

MANUAL OF GUIDANCE FOR PREPARATION OF CASE FILES

HOW TO USE THIS MANUAL

This manual has been prepared for use by law enforcement agency officers, law enforcement agency staff and prosecutors concerned with the preparation, processing and submission of case files. Every effort has been made to ensure that this manual uses straight forward language and that it reflects current criminal justice processes in Saint Vincent and the Grenadines.

This manual introduces the concept of a "Prosecution File Standard" (PFS) and outlines the process for upgrading files for committal/preliminary inquiry or trial.

Section 1 provides guidance on the roles and responsibilities of personnel within the National Prosecution Service (NPS) and Law Enforcement Agencies for the purposes of this Manual of Guidance.

Section 2 provides a concise outline of the case file building process, required file contents and the process for obtaining advice where necessary. Adherence to the guidelines contained within this section will greatly assist both the law enforcement agency and the NPS in ensuring that files are built proportionately and contain the key information required to support a prosecution.

Section 3 provides guidance to law enforcement agency Supervising Officers (SO) regarding the supervision of case files. It outlines the responsibilities that SO's have in respect of the endorsement of particular Manual of Guidance FORMs, and in supervising the content in terms of quality assurance. Also included in this section is a description of how to manage case files

O with multiple offences and multiple offenders, together with some practical examples to illustrate variations.

Section 4 provides guidelines on upgrading files for committal/preliminary inquiry or trial.

Section 5 establishes a clear desk policy.

Section 6 sets out the policy for storing files.

Section 7 explains the procedure for warrant files.

Section 8 describes the procedure for closing files.

Section 9 determines the procedure for retaining files.

Section 10 details those files retained for long term interest.

Section 11 sets out each of the FORMs in numerical order.

It is recommended that this Manual is reviewed yearly to ensure that it remains up to date with any changes that may have occurred to law and policy during the year.

GLOSSARY

When reading this Manual reference will be made to the following:

- a. The 2010 Code for Prosecutors ("Code") — This document establishes the Full Code Test so that suspects can only be charged where there is a reasonable prospect of conviction ("Evidential Stage") and it is in the public interest to charge ("Public Interest Test")
- b. Points to Prove ("P2P") — This document should be referred to by all law enforcement agencies to understand the evidence required to satisfy the Evidential Stage of the Code.
- c. The 2013 Witness Charter ("Witness Charter") — This document sets out the basic standards of care for witnesses.
- d. The Guide to Investigation and Prosecution of Serious Organised Crime ("Guide") — This four-part compendium is designed to assist both law enforcement agency officers and Prosecutors on procedure and the law. The first part provides legal guidance on common issues that may arise investigating and prosecuting drug trafficking, human trafficking, cybercrime and money laundering matters. The second part provides guidance on restraint orders, the third on confiscation and the fourth on civil recovery.
- e. Standard Operating Procedures for the Video Recording of Suspect Interviews for Serious Crimes ("SOP") — This document determines the procedure for conducting video interviews of suspects by a law enforcement agency.
- f. Case Management Spreadsheet ("CMS") — This document records NPS information on a file, such as next hearing dates.
- g. "Law enforcement agency" means the Royal Saint Vincent and the Grenadines

Police Force, the Customs Department, the Immigration Department, The Financial Intelligence Unit or other State investigatory agency within Saint Vincent and the Grenadines.

- h. A "suspect" means a person arrested for an offence, but not yet charged by a law enforcement agency.
- i. An "accused" is a person charged with an offence or offences following the procedures in this Manual.

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when requesting NPS advice, providing files after charge, supplying evidence or any other case work related contact.

1.2 Departmental Record Officer (DRO)

1.2.1 The DRO is responsible for supporting the efficiency and quality of the NPS through effective management and security of information.

1.2.2 The specific responsibilities of the DRO are:

- a. Devise, promulgate, monitor and keep under review the policies and procedures related to any record keeping;
- b. Ensure that files are effectively managed and available as a resource in accordance with the retention schedule (see section 9 below) and long-term interest criteria (see section 10 below);
- c. Ensure the destruction of material that is no longer required;
- d. Be aware of all collections of records in the NPS and the purposes and value of keeping them;
- e. Ensure that the records selected for preservation are prepared for transfer and then transferred for archiving;
- f. Make arrangements to deal effectively with requests, from inside or outside the NPS for access to or information relating to records held by the NPS.

1.3 File Keepers (FK)

1.3.1 The FK maybe Crown Counsel or a Police Prosecutor and will be responsible for the following on case files allocated to them by the CTM:

- a. Effective file preparation, in accordance with this Manual;
- b. Applying the Code when reviewing all files upon receipt and on a continuing basis;
- c. Security of files allocated to them. Therefore, when the case file is taken out of the office, to court or an attendance, the FK must inform the CTM by email, who will record this on the CMS;

SECTION 1 - ROLES AND RESPONSIBILITIES

1.1 Case Tracking Manager (CTM)

1 .1.1 The Case Tracking Manager (CTM) is responsible for the creation, maintenance and destruction of files within the NPS applying the Prosecution File Standard (PFS).

1.1.2 The CTM will manage the Case Management Spreadsheet (CMS) and ensure that the whereabouts of all files is known on a daily basis and for all future court hearings. Therefore the CTM will know if a case file is taken to court or to an attendance out of the office.

1 .1.3 The CTM must also manage the CMS, to ensure that all actions to be undertaken on a file and directions of the court, are entered and complied with by the File Keeper.

1.1.4 The CTM will allocate a case file to a File Keeper after receiving the same from the law enforcement agency. Files will be allocated as follows:

- a. Offences committed by juveniles to the Police Prosecutor/s allocated to the Family Court;
- b. Offences to be tried at the Serious Crimes Court to the Police Prosecutor/s allocated to that court;
- c. Indictable only offences to be tried at the High Court to Crown Counsel;
- d. Any other offences on a case-by-case basis taking into account the capacity of any potential File Keeper, complexity and seriousness.

1.1.5 The CTM must be aware of all record types that are created and/or received in whatever format (i.e. case files, audiotapes, videotapes, digital and non-digital databases, and copy exhibits sent by the 10) and store them appropriately.

1 .1 .6 The CTM will be the first point of contact for law enforcement agencies

- d. Ensure that the CTM is informed by email of all future hearings so they are recorded in the CMS with an estimate of their time length;
- e. Ensure that all actions on a file and court directions, are recorded in the CMS and responsibility for ensuring they are carried out.

1.4 Advocate

1.4.1 This may be a Police Prosecutor, Crown Counsel or an approved agent and should (when not an approved agent) be the FK. The Advocate will be responsible for:

- a. Completing the FORM2 (Court Attendance Note) after each hearing and returning the file to the FK (if a different person);
- b. Completing the FORM8 (Plea and Sentence Form) before any sentencing hearing in the High Court and serve on the court and defence Attorney in good time before that hearing.

1.5The Director of Public Prosecutions

1.5.1 The Director of Public Prosecutions (DPP) will be responsible for all prosecutions.' Therefore he will:

- a. Review any advice given where appropriate;
- b. Take appropriate action on any failure to comply with this Manual;
- c. Liaise with the Head of any law enforcement agency in relation to any failings by the Investigating or Supervising Officer; and
- d. Delegate any functions as deemed necessary applying section 64(3) of the Constitution.

1.6 Administration Staff (AS)

1 .6.1 The CTM may designate tasks to AS which could include the following:

- a. Preparing the contents of an upgraded file;
- b. Preparing disclosure or trial bundles for court;
- c. Liaising with law enforcement agencies when instructed by the CTM.
- d. Archiving files at the direction of the DRO.

1 .7 Law Enforcement Agency

1 .7.1 In this manual reference will be made to a Supervising Officer (SO) and Investigating Officer (10).

1 .7.2 The 10 will be the officer with the day-to-day conduct of the case as determined by the law enforcement agency. His or her contact details should be provided to the CTM as a point of contact.

1.7.3 The SO will be responsible for any investigative decisions taken (unless otherwise stated in •this Manual), complying with the PFS and will ensure:

- a. The Code is applied when charging;
- b. All files or further evidence for the NPS should be sent to the CTM who will be the NPS point of contact for the law enforcement agency;
- c. A file sent for NPS advice has the required forms as outlined in Annex B column 1a;
- d. A file sent to the NPS after charge has the required information as outlined in Annex B column 1b;
- e. In a contested case the required information as outlined in Annex B column 2 is supplied to the NPS.

SECTION 2 A GUIDE TO CASE FILE BUILDING

2.1 Introduction

2.1.1 This second section of the Manual of Guidance provides best practice for preparing a case file together with an outline of the process for obtaining an NPS charging decision.

2.1.2 The law enforcement agency and the NPS share a common goal, the successful prosecution of persons who have committed offences in circumstances where the public interest requires a prosecution. It is the responsibility of the law enforcement agency to investigate offences, and the responsibility of the NPS to prosecute people who are charged as a result of law enforcement agency investigations. There must be an emphasis on a team approach so that all parties are well informed at every stage of an investigation and prosecution to secure a just result.

2.1.3 The law enforcement agency will usually determine the charge, however serious and complex cases should be referred to the NPS for charging advice. Those offences that are serious and complex and where the NPS will determine charge are listed in Annex H.

2.1.4 All files sent to the NPS for prosecution must be prepared and submitted in accordance with this Manual. This Manual sets out the required standards for the preparation of case files, their content and format.

2.1.5 This Manual applies to all cases, whether the accused is charged or summonsed.

2.2 The Protected Marking Scheme

2.2.1 The forms used to prepare a case file are numbered and have the prefix 'FORM'. All FORMs carry a Protected Marking Scheme header and footer. The scheme assists the law enforcement agency and NPS by ensuring that all agencies, which share information, handle it according to the same security classification.

2.2.2 FORMs carry the protective headings 'Restricted' and/or 'Confidential':

- a. Restricted information: Material falls into this category if accidental or deliberate compromise of the material would be likely to cause substantial distress to individuals; prejudice the investigation; facilitate the commission of crime; breach undertakings to maintain confidence of information provided by third parties, for example, information supplied to law enforcement agency by a witness in confidence (home address details) or law enforcement agency briefing material.
- b. Confidential information: Material falls into this category if it would prejudice individual security or liberty; impede the investigation or facilitate the commission of serious crime, for example, material regarding covert operations, observation points or information supplied by an intelligence source (which does not reveal his/her identity). Material that would reveal the identity of a source/undercover officer should be classed as 'Secret'.

22.3 It is up to the person completing the FORM to decide what the correct classification should be.

22.4 Material which, when complete, is not disclosable to an accused, should be clearly marked.

22.5 Where possible, taking account of the classification of any documents, any FORMs sent between a law enforcement agency and the NPS should be sent by email.

2.3 Law Enforcement Agency Case Number (CN)

2.3.1 A CN must be allocated to a case file at the earliest opportunity to allow tracking and monitoring of the case where possible. This process should start at the point of arrest where the CN will be recorded on the law enforcement agency file.

2.3.2 When completing a case file the CN must be entered on all FORMs.

The endorsement of the CN on each form ensures that if material becomes separated from the file, it can be easily identified and maintains continuity.

- 2.3.3 Allocating a CN for case files involving multiple offences and/or offenders will need to be closely monitored to avoid duplication. Specific guidance on when and how these case files should be numbered is contained at 3.4 of Section 3. This includes obtaining guidance from the NPS regarding the splitting or merging of case files.

2.4 Guidelines for File Building

- 2.4.1 An 10 must gather together the documents acquired during the investigation of an offence from the outset. The case file is built from those documents, whether they contain evidence or not. It is not necessary for a suspect to be held in custody before starting to build the case file. All reasonable lines of inquiry must be followed, not only those that appear to point to a certain person being responsible.
- 2.4.2 The content of the file, according to the 'Prosecution File Standard' will depend on the stage of the investigation and/or prosecution (see 2.5 onwards).

The Charging Decision

- 2.4.3 For a list of offences which should be referred to the NPS for a charging decision see Annex H.
- 2.4.4 Charging decisions taken by the NPS or a law enforcement agency need to take into account the provisions of the Code and the Full Code Test (see 2.4.5 below), which need to be satisfied before a case can be properly charged (An example is provided in the Guide after paragraph 43.36).
- 2.4.5 The Full Code Test has two stages:

- a. Evidential Stage (paragraphs 7.5-7.8 of the Code): Firstly that the evidence is sufficient to provide a 'reasonable prospect of conviction'; and
- b. Public Interest Stage (paragraphs 7.9-7.17 of the Code): It is in the Public Interest to proceed with a prosecution.

Only if these two tests are satisfied can a charge be laid.

2.5 Prosecution File Standard (PFS)

Introduction

25.1 The PFS will ensure that all files are consistently prepared. This means any 10, SO, FK, and Advocate can efficiently use a file and the NPS can provide the best possible advice with all available and necessary information provided.

2.5.2 Annex B details the necessary contents of files at three different stages applying the PFS:

- a. NPS referred cases;
- b. Law enforcement agency charged cases; and
- c. Upgraded files for committal/Preliminary Inquiry or trial

NPS Referred Cases

2.5.3 The FK will ordinarily advise on charging decisions on the information provided by the FORMA (law enforcement agency report) and any key evidence (see 2.5.4 below). Annex A provides a map for the process of referring a file to the NPS for a charging decision. Annex B column IA provides the content of the files submitted to the NPS applying the PFS. Where possible it is recommended that any FORMs and any documents applying the PFS that can be sent by email are done so in order to speed up the decision making process.

2.5.4 Key evidence is that evidence which either alone (i.e. the evidence of one key witness) or taken together with other evidence (e.g. a number of key witnesses each of whom provide some key evidence) and relevant exhibits, establish every element of the offence to be proved (applying the P2P), identify the offender and show that he or she committed the offence

with the necessary criminal intent. A "key" witness will be either the victim, an eye-witness or any other witness whose evidence is crucial to satisfying the Evidential Stage of the Full Code Test.

2.55 Where witnesses provide accounts of the same events that differ in a material respect, witness statements must be supplied in respect of each. As a general guide, where an IO considers that witnesses' accounts vary sufficiently, then statements should be provided for each witness and this should be recorded on FORMA for the information of the FK providing the charging decision. Further the file must include antecedents of prosecution witnesses who have provided key statements.

2.5.6 Corroborative statements or continuity evidence will not be required to be submitted with the FORMA unless already contained within the statement of a key witness. Other evidence supporting or repetitive of key statements will not be required. However, the FORMA should indicate corroborative or continuity evidence is available and evidence proving the points to prove as provided in the P2P.

2.5.7 Information impacting upon the decision to withhold or allow the granting of bail must also be included and provided to the FK in FORM3 (see paragraph 2.6 below)

2.5.8 Checklists required for specific investigations involving domestic violence, rape, violent offences and drug trafficking (FORMS14-17) must also be included to inform the FK how the evidence could be strengthened and may help to inform the Public Interest Test.

2.5.9 The DPP's copy of an electronic interview should be provided pursuant to the SOP and a summary (SDN) in accordance with paragraph 211 below. If a statement has been taken from a suspect or a written interview, this should be provided.

2.5.10 A copy of the suspect(s) antecedents is also required where available.

2.5.11 The FK will make a charging decision on FORM1. The Action Plan

may be completed to determine dates when any further evidence should be submitted to the NPS.

2.5.12 If the FK cannot make a charging decision, FORMI will be completed with an Action Plan outlining what key evidence is required together with any other specified information. If this material cannot be secured, the IO or SO should arrange to seek further advice from the FK. Once further action has been carried out, the law enforcement agency report should be re-submitted as FORMB.

2.5.13 The FORMA/B and Checklist forms are confidential documents subject to legal privilege and MUST NOT be given to the accused or any third party under any circumstances as they contain information on the strengths and weaknesses of the case.

2.5.14 The NPS will operate an out of hours advice capability so that law enforcement agencies know who they should contact when a matter needs to be referred outside of business hours.

2.5.15 The NPS will provide to law enforcement agencies a list of those on duty out of hours and their contact details.

Law Enforcement AqenCv Charged Cases

2.5.16 Where the law enforcement agency have charged, the rationale for the charging decision should be recorded on FORMC. This then becomes part of the post-charge file for the first hearing at court.

2.5.17 FORMC will be submitted to the NPS before the first court hearing.

2.5.18 See column 1B at Annex B for the contents of a file after charge.

2.5.19 A process map pre-hearing where an accused is on bail/summonsed is at Annex D and where an accused is remanded in custody by the Police at Annex G.

2.5.20 Upon NPS receipt of the case file the CTM will allocate the file according to paragraph 1.1.4 above.

2.5.21 An FK when allocated a charged case must review the file applying the Full Code Test on FORMI before the first appearance at court.

2.5.22 If there is an opportunity a summary (FORM 5) should be prepared by the

FK to disclose to the accused at this first hearing. The FK should remember when preparing FORM5 to only include material that will form part of the prosecution case that isn't restricted or confidential.

2.5.23 The NPS have a continuing duty to review a case and to be satisfied that there is sufficient evidence to provide a reasonable prospect of conviction against each accused for each offence and that it is in the public interest to proceed. FK's must also consider any fundamental rights issues, pursuant to the Constitution, that arise.

2.5.24 The FK at this initial review will allocate a coloured sticker to any case file that falls into the following categories:

- a. Domestic Violence — Red
- b. Asset Recovery - Green

2.5.25 For the purposes of the allocation of the coloured stickers the following definitions will apply:

- a. Domestic Violence means: Any offence that demonstrates any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following offences:

- i. Common Assault;

- ii. ABH;

- iii. GBH (malicious wounding); iv.

- GBH with intent; v.

- Attempted Murder; vi.

- Murder;

- viii. Indecent Assault.

- b. Asset Recovery means: Where a person is arrested (where a NPS referral) or charged with an acquisitive offence under the Proceeds

of Crime Act. This will require all 10's, SO's and FK's to be aware of such offences.

2.5.26 The purpose of the file stickers is to highlight to all NPS and law enforcement agency staff the importance of these files and that they may require specific actions within specific time limits.

Upgraded File (For indictable only and 'contested' cases)

2.5.27 After an accused decides to enter a not-guilty plea at court or elects to have the case heard at the High Court or the proceedings are adjourned for a preliminary Inquiry/committal proceedings, an 'upgraded file' will be required. See column 2 at Annex B for the contents of an upgraded file received from a law enforcement agency.

2.5.28 An upgraded file will include the disclosure forms (FORM9A, 9B, 9C, 9D and 9E) and must be submitted to the NPS in accordance with paragraph 2.12 below.

2.5.29 Any relevant documents referred to in FORMII (Upgraded File Index) will also need to be included by the FK to produce an upgraded file.

2.5.30 See section 4 for the complete upgraded file contents.

2.6 Bail

Law Enforcement Agency Bail Decisions

2.6.1 Where the Full Code Test of the Code is applied, the law enforcement agency will need to decide whether to:

- a. Release on bail for further inquiries (Section 35(3) Criminal Procedure Code); or
- b. Charge and bail; or
- c. Remand in custody following charge to put the accused before the next available court

2.6.2 Where the law enforcement agency decides to remand the accused in custody, the SO must ensure that a file is provided to the NPS before 8:00am on the day of the accused's court appearance (See Annex G for process map). The contents of the file are described in Annex B column 1b. The FORM3 (Remand Hearing Form) will be required in all such cases.

Breach of Post-Charge Bail

2.6.3 See Annex I for the contents of a breach of bail file.

Remand in Custody and FORM3

2.6.4 After charge, the law enforcement agency has to make a decision on whether to grant bail, or whether there are reasons why bail should not be granted. If there are reasons why bail should not be granted, then the NPS should seek a remand in custody at the first court hearing.

2.6.5 The 10 is responsible for ensuring the law enforcement agency has all the relevant information in order to make a decision on whether grounds exist to refuse bail.

2.6.6 If the accused is kept in law enforcement agency custody after charge, the decision as to whether a remand in custody is to be sought at court lies solely with the NPS.

2.6.7 The detention or continued detention of an accused is a serious step to take.

2.6.8 Custody cases must be prioritised and delays must be explained or escalated according to agreed local procedures. Common causes of delay are medical and forensic evidence; these need to be requested and provided as quickly as possible.

2.6.9 FORM3 must be as detailed as possible. It must contain details of any substantial grounds that support the request for a remand in custody or the imposition of bail conditions. Failure to provide sufficient information may lead to a refusal to impose conditions or remands in custody.

2.6.10 Confidential information must not be included on the FORM3. Use the FORM A, B or C for this purpose. If any information undermines the

prosecution case or assists the accused in their bail application, this should be disclosed to the NPS on FORM3 before the first hearing for them to determine disclosing to the accused.

- 2.6.1 1 If possible, if an FK has advised on charge, they should attend the first hearing, supported by the 10.

Grounds to Seek a Remand in Custody

2.6.12 The NPS when making an application for a remand in custody should consider the following grounds and will need information from the relevant law enforcement agency on FORM3:

- a. Fail to surrender — Consider if:
 - i. Antecedent for absconding; ii. Accused has no fixed abode;
 - iii. The accused has indicated he/she will not appear.
- b. Commit offences on bail (current and previous) — Consider
 - i. Present offence committed on bail (details of charges, bail dates and conditions should be given); ii. The 'lifestyle' of the accused is such that it is likely offending will continue, e.g. a drug habit.
- c. Obstruct the course of justice and/or interfere with witnesses — Consider if:
 - i. The accused has threatened to interfere with witnesses (or has a history of such behaviour); or ii. Will hinder the recovery of property.
- d. A remand in custody is necessary for the person's safety — Consider if:

i. There is a real threat of revenge from the victim's family, or friends etc.; or ii. The accused is suicidal, a drug addict or suffering from mental disorder.

e. If a child or young person, for that person's own welfare or own interests — Consider if:

i. The accused has threatened self-harm; ii. The accused is being coerced by older youths/adults to commit crime;

iii. The accused does not have a stable family background.

2.6.13 Guidance for when to bail/remand an accused in custody can be found at in the Guide at paragraph 6.2

Intimidated and Vulnerable Witnesses

2.6.14 Where a remand in custody is sought, consideration must be given as to whether there is a risk of the accused trying to intimidate witnesses (directly or indirectly) whilst remanded in custody. If there are grounds to believe this is likely, full details of witnesses and their contact details must be included on FORM3 and if appropriate this information can be passed onto the Prison in order to prevent the accused from contacting witnesses whilst on remand.

Court Imposed Conditional Bail

2.6.15 In order to be prepared for those occasions when the court may not remand in custody but grants bail, consideration should be given to including suitable and appropriate bail conditions on the FORM3 which the NPS can ask the court to impose in the event bail is granted. Conditions should be imposed on bail by the court if they are necessary to prevent the person from:

- a. Failing to surrender to custody;
- b. Committing further offences whilst on bail; and/or
- c. Interfering with witnesses or obstructing the course of justice.

2.6.16 The following are suggested bail conditions which can be sought from the court where relevant:

- a. To live and sleep at a specified address;
- b. To notify law enforcement agency of any change of address;
- c. To report to a police station (daily, weekly, or other period);
- d. Not to enter a certain area or building (include a map where possible);
- e. Not to contact (directly or indirectly) the victim and/or any prosecution witness;
- f. To surrender his/her passport; and/or
- g. To observe a curfew between set times (consider a 'doorstep condition' where the accused must appear at the door if/when required by the law enforcement agency)

2.7 Case Management Spreadsheet

2.7.1 Upon receipt of the following information the CMS should be updated by the FK emailing the CTM with any relevant updates:

- a. CN;
- b. Police CR;
- c. Accused name;
- d. Bail or remand status; e. Grounds for refusing bail;
- f. Court granting bail
- g. Bail/remand date
- h. Charge/s and applicable Acts/sections;
- i. Name and contacts details of Accused's Attorney (if known);
- j. Name of 10;

- k. Prosecutor/Counsel (FK) assigned;
- l. Name and number of witnesses
- m. Virtual complainant
- n. Current status — including any actions to be taken;
- O. Next court date;
- . Location of the file;
- q. Summary of indictable matter
- r. Date committed for trial;
- s. Date Indictment drafted;
- t. Date Indictment filed;
- u. Date arraigned;
- v. Case outcome; and
- w. Outcome date

2.8 At Court

2.8.1 The importance of progressing must be recognized and the Magistrates Court Pre-Trial Limits must be adhered to.

2.8.2 Local arrangements should be made for the efficient service of disclosure of the prosecution evidence to the court and to the accused (this of course differs to disclosure of unused material referred to from paragraph 2.12). This may be undertaken at any stage from point of charge onwards. The NPS should ensure the accused signs for receipt of any evidential disclosure, particularly any hard copy of audio/visual recordings served.

2.8.3 At the end of any court hearing, the Advocate should complete FORM2 and ensure prompt delivery of the form to the NPS. This may also be provided to the law enforcement agency to notify the law enforcement agency as soon as practicable after court of any relevant directions, which require

action by that law enforcement agency and to update the victim and witnesses as to the bail position of the accused.

2.9 Case Management

"Not Guilty" Plea

2.9.1 In any case in which a not guilty plea is entered, the Advocate, at the hearing, will:

- a. Proactively assist the court in the identification of the issues for trial.
- b. Agree a timetable for the management of the case with the court.
- c. Notify the law enforcement agency and FK of any specific further evidential requirements as soon as possible and in any case within seven days.

2.9.2 After a not guilty plea is entered at court the Advocate should note in the FORM2 (Court Attendance Note). The file will be returned to the CTM within three days and it will be upgraded. The date for the next hearing will be provided, and if known, the trial date will also be notified to the CTM. The CTM will endorse the CMS accordingly.

2.9.3 If the matter is listed for a summary trial an Advocate, if different to the FK, will be allocated by the CTM.

2.9.4 If the matter is listed for Committal/Preliminary Inquiry the file will be upgraded. If the original FK was a Police Prosecutor, Crown Counsel may now be allocated at this stage or after the Committal/Preliminary Inquiry as the FK

2.9.5 A newly allocated FK will then have three days to collect the file. .

2.9.6 The FK will then have five days, to review the file for trial or Committal/Preliminary Inquiry and complete the FORM7A or B (Trial Preparation/Preliminary Inquiry/Committal Form). The FORM7A or B will be emailed to the CTM. The CTM will then request the administrative staff

to complete any tasks to be completed by the NPS such as preparation of trial bundles.

2.9.7 The CTM, if no FORM7A or B is received within seven days, will inform the DPP of the failure. The DPP will take further action by addressing the FK regarding their failure to submit the required documents. If the FORM7A or B has been received the CTM will email it to the law enforcement agency SO and provide a target date for completion of fourteen days} thereafter. The trial date, if known, will also be provided. If a trial date has been set then the 10 must cause the witnesses to be warned for trial within 24 hrs of notification from the CTM. The CTM will then endorse the CMS accordingly. In addition the CMS will be endorsed with any additional work that has been requested by the FK.

2.9.8 When the CTM receives the law enforcement agency response to the FORM7A or B for further evidence on the FORMIO (Further Evidence Information Report), they will forward this to the FK. The CTM will provide the FK with a target date of seven days thereafter to review the material and respond with any further work that is required.

2.9.9 If the CTM does not receive the law enforcement agency response (FORMIC) within eight days, they will escalate the matter to the Superintendent (or equivalent law enforcement agency rank) and give a target date of four days. The CMS will be endorsed accordingly.

2.9.10 If there is no response within three days the CTM will escalate the matter to the head of the relevant law enforcement agency (i.e. Commissioner of Police, Comptroller of Customs, Director of FIU) and will copy in the DPP. The CMS will be endorsed accordingly.

2.9.1 1 For matters committed to the High Court the principles of the Witness Charter should be followed for key witnesses including (and not limited to):

- a. A Needs Assessment (paragraph 10);

- b. Notification of the Trial Date and any other hearings where attendance is necessary (paragraphs 14 and 15)
- c. Use of Special Measures (paragraph 23)

2.9.12 It should be standard practice to provide a copy or access to a copy of the Witness Charter to key witnesses.

Pre-trial

2.9.13 The CTM will email the FK two weeks before trial to confirm that the matter is trial ready. The FK must respond via email within 24 hrs of that email attaching the file review checklist FORM19. If FORM19 is not received from the FK at the end of the period given to them, then the CTM will notify the DPP within 24 hrs of the failure. The DPP will take further action by addressing the FK regarding their failure to respond. If the matter is trial ready then the CMS must be marked accordingly. If the matter is not trial ready, then urgent liaison must take place with the law enforcement agency SO. All attempts should be made to get the case trial ready. However, if it is going to be impossible to get the matter trial ready in time, then the case should be listed at court for an urgent application to break the trial and relist.

2.9.14 Where the trial is length and/or complex it would be good practice to have a conference between the Advocate and the IO/SO to ensure all is prepared.

2.9.15 FORM8 (Plea and Sentence Form) should be completed by the Advocate prior to a trial in the High Court to assist the Judge when sentencing. FORM8 will also address any applications for forfeiture of instrumentalities, destruction of any items and compensation. However any Advocate appearing at the Magistrates Court should also be aware of any appropriate applications for forfeiture, destruction and compensation post conviction.

2.9.16 When prosecuting any acquisitive offence the Advocate must consider if the accused has benefited from the offence (that is, has the accused received cash, property or a pecuniary advantage from the crime). If so the Advocate should postpone any confiscation proceedings and be ready to propose a timetable. If in the Magistrates Court, the Advocate should be in a position to know if the accused needs to be committed to the High Court for confiscation proceedings.

Post-trial

2.9.17 After the matter has been completed the FK has three working days to complete the FORM2 (Court Attendance Note) and return the file to the CTM for storage/archiving.

2.9.18 If the matter proceeds to confiscation proceedings the file will not be stored/archived until completion. The FIU should be immediately notified of any timetable and a case conference should be arranged between the Advocate and the FIU to determine the next steps.

2.9.19 It is best practice after the trial of an offence listed in Annex H, to have a debrief conference between the FK, Advocate (if not the FK), 10 and SO, to discuss lessons learnt and best practice for the future.

2.10 Typing of Case Files

2.10.1 Where documents are typed they should be Times New Roman, font size 12 and 1.5 line spacing. Manuscript or hand-written statements can be provided in cases to be finalised as guilty pleas in Magistrates' Courts and may present the most proportionate approach to case preparation.

2.10.2 It will be best practice to have typed statements. Where provided, handwritten statements must be legible, comprehensible and sufficiently clear to produce good quality photocopies.

2.10.3 Committal papers prepared for, and statements used in, the High Court should be typed.

2.11 Records of Interview

2.11.1 It is necessary to provide a short descriptive note (SDN) of the interview for the first hearing in the Magistrates Court.

2.11.2 Where an accused has provided a statement or a handwritten note has been made of an interview, this must be provided to the NPS as part of the post charge file for the first hearing.

2.11.3 Where an accused has been interviewed pursuant to the Interviewing of Suspects for Serious Crimes Act 2012, the SOP must be followed and the DPP copy disc provided to the NPS before the first hearing. It will also be necessary to provide a SDN of the interview/s in accordance with paragraphs 2.11.4-5 below.

Short Descriptive Note (SDN)

2.11.4 WHAT IS AN SDN?

An SDN is a brief account of what was said by the accused in an interview. It should be recorded on FORMA, B or C (law enforcement agency Report) and be available for the first Magistrates Court hearing.

2.11.5 WHAT MUST AN SDN CONTAIN?

An SDN should generally be written in the third person, although specific sections should be written in direct speech (see admissions below). It should summarise the questions covering the points to prove of the offence(s) (refer to the P2P) and the responses given.

An SDN must include the following:

- a. Admissions, which prove 'the points to prove of the offence', written in direct speech. It is not sufficient to say 'the accused fully admitted the offence'. The words 'full and frank admission' should also be avoided;

- 0 b. The accused's version of events where this is disputed, specific denialé and any explanation for committing the offence(s);
- C. Any mitigating circumstances given, including any expressions of remorse;
- d. Anything said by the accused in relation to aggravating factors:
 - i.Pre-meditation;
 - ii.Admission of prior knowledge of vulnerability of the victim;
 - iii.Lack of remorse shown.
- ø.The date and start and end time of the interview. Where there have been a series of interviews there should be an SDN for each interview.

2.12 The Disclosure Process

- 2.12.1 The disclosure process must not be confused with the service of the prosecution evidence against the accused. We will consider in this part application of the disclosure test to unused material.
- 2.12.2 The disclosure test is the process of informing the accused of any material not served as evidence and in the possession of the law enforcement agency, which would tend either to materially weaken the prosecution case or materially strengthen the case for the accused (Maureen Peters v The Queen HCRAP 2009/5 Territory of the Virgin Islands; Donnason Knights v the Queen Criminal Appeal No. 15 of 1995, Grenada; and R v Ward (Judith Theresa) [1993] 2 All E.R. 577).
- 2.123 Unused material is relevant material obtained or generated during the course of a criminal investigation but which is not being used as evidence. All unused material must be retained and recorded by a law enforcement agency.

2.12.4 The NPS will make the decision as to whether any unused material satisfies the disclosure test. This disclosure process continues as long as proceedings remain, whether at first instance or on appeal.

2.12.5 The NPS and law enforcement agency are treated collectively as the 'Prosecution' and a failure by one is a failure by them both. It is therefore important that the NPS and law enforcement agency adopt consistent practices. A process map is provided at Annex C. When Does the Duty to Disclose Arise?

2.12.6 Generally, the disclosure process is triggered by:

- a. Unused material that could assist a bail application; or
- b. A not guilty plea in the Magistrates' Court; or
- c. A committal/preliminary inquiry,

When and How Must Material be Recorded

2.127 Unused material must be recorded at the time it is obtained/seized, or as soon as is practicable after that. Unused material must be recorded in a durable or retrievable form. If it is not practicable to retain the original record, e.g. because it forms part of a larger record which is to be destroyed, the information must be transferred accurately to a durable and easily retrievable form. Photocopies are acceptable.

Disclosure Roles and Responsibilities

212.8 There are three distinct roles which impose different duties on the law enforcement agency:

- a. The 10: All law enforcement agency officers have a responsibility to record and retain relevant unused material obtained or generated by them during the course of the investigation.
- b. The SO: Has special responsibility to ensure that all reasonable lines of inquiry are pursued, irrespective of whether the resultant evidence is more likely to assist the prosecution or the accused
- c. The Disclosure Officer — the person responsible for:

i.Examining the unused material retained during the investigation;
and ii. Revealing unused material to the FK on FORM9B, FORM9C, FORM9D schedules, ensuring that the descriptions are sufficiently detailed and contain enough information to enable the FK to make an informed decision as to whether or not the item meets the test for disclosure; and

iii.Certifying where necessary that action has been taken in accordance with these requirements.

The disclosure role involves different functions and may be performed by three different people or the 10 may also be the Disclosure Officer.

Disclosure Forms

2.12.9 There are five disclosure forms that will be provided to the NPS as part of the upgraded file: ¹

- a. FORM9A: This form is a record for the FK to document all actions taken when applying the disclosure test. Therefore this will include the date when any unused material is reviewed or disclosed to the accused, with a description of what is disclosed.
- b. FORM9B: This gives details of the disciplinary record and convictions (if any) of any law enforcement agency officer/member of law enforcement agency staff that is involved in the case. If no officer/member of law enforcement agency staff has a disciplinary consideration (or conviction) there is no need to put the form on the
- c. FORM9C: The schedule of relevant non-sensitive unused material will be disclosed to the accused and any unused material described on it may also be disclosed to the accused on instruction from the NPS applying the disclosure test. Material that must be listed on the schedule covers all relevant non-sensitive unused material recorded, retained or generated during the course of an investigation. If an item of unused material contains both sensitive and non-sensitive material, it must be listed on the FORM9C as being an, 'edited version' or 'edited' e.g. a police notebook entry containing both the personal details of a witness and the circumstances of the arrest - block out the

sensitive part (witness details) on a copy of the original with a dark marker pen (never white correcting fluid). The original must never be marked. Only list the unedited version on the FORM9D.

Please note these FORMs do not have to be provided for a bail application before a matter becomes an upgraded file or where unused material may mitigate the seriousness of an offence.

d. FORM9D - The schedule of relevant sensitive unused material will not be disclosed to the accused because it is not in the public interest to do so. You must state the reason why the item should not be disclosed to the accused on the basis of sensitivity. The following are common examples:

i. Details that identify an observation; ii.

Disclose how covert technology operates

iii. Disclose covert methodology used by the law enforcement agency; iv; Disclose contact details for witnesses;

v. Disclose how intelligence material is obtained; vi Disclosure that could cause harm to a person — whether physical or economic; vii. Disclosure that could affect the interests of the State; If there is no sensitive material in a case, endorse form FORM9D to that effect and submit it with the FORM9C and FORM9E. Where you think you have unused material that is very sensitive, such as information from an informant, make contact with the DPP. e. FORM9E - Disclosure Officer's Report. On the FORM9E any unused material that satisfies the disclosure test must be brought to the attention of the NPS.

The disclosure officer must record on the form the following:

i. Whether the undermining or descriptive information was originally listed on the FORM9C or FORM9D ii. The original item number from the FORM9C or D

iii. Briefly, the reason for it being recorded on the FORM9E, e.g. 'May cast doubt on reliability of witness'.

Describing the Material

2.12.10 The FORM9B, FORM9C and FORM9D schedules must describe the material in a detailed and accurate way by the Disclosure Officer so that it is obvious to anyone reading the form what the item is and a decision can be taken as to whether that item should be disclosed to the accused or not.

Inspection of the Material by the FK

2.12.11 The FK must always inspect, view or listen to any material that could reasonably be considered capable of undermining the prosecution case against the accused or of assisting the case for the accused. The Disclosure Officer may need to consult with and allow the FK to inspect the retained material if necessary.

Endorsing the Disclosure Decision by the FK

2.12.12 FORMS 9B, 9C, 9D and 9E must be sent to the NPS by the Disclosure

Officer at least one month before any summary trial or committal/Preliminary Inquiry. Once the form is sent to the NPS, the FK will endorse the decision whether to disclose or otherwise with a reason for the decision. The FK will also complete FORM9A confirming that the disclosure forms have been received, any items inspected and when disclosure decisions have been made.

Common Areas Satisfying the Disclosure Test

2.12.13 The FK should consider disclosing the following, at precommittal/Preliminary Inquiry stage, applying the disclosure test:

- a. Antecedents of the victim, or any unused material that might assist an application for bail;
- b. Anything that may assist the accused to argue that there should be no committal/Preliminary Inquiry at all, or committal/Preliminary Inquiry on a lesser charge;
- C. Anything that may assist an argument for abuse of process;

- d. Information that may assist the accused to prepare for trial where delay may affect such preparation (i.e. witnesses that the NPS do not intend to rely upon). This information is not always going to be disclosed to the accused since this would depend very much on what the accused chose to reveal about the nature of his case.

2.12.14 These are only examples and must not be construed as a definitive list of categories. In all cases the FK must consider disclosing in the interests of justice any unused material that is relevant to sentence (e.g. information that might mitigate the seriousness of the offence or assist the accused to lay blame in whole or in part upon a co-accused or another person).

Information to protect the Public Interest

2.12.15 There may be material in possession of the prosecution that satisfies the disclosure test but is sensitive.

2.12.16 In these circumstances an application will be made to the court to determine if the matters should be disclosed to the accused (see Annex W in the Guide for precedent application forms). The NPS may reasonably apply to the court to Withhold sensitive unused material where in principle:

- a. Disclosure would mean that other investigations could be compromised;
- b. Disclosure of covert methodology would undermine future investigations;
- c. Risk of life to an intelligence source.

2.12.17 In such situations the FK should consult with the DPP and the SO to decide the most appropriate way forward. If following a court application the prosecution are ordered to disclose, the DPP must decide, taking account of views from the SO, whether to proceed with the prosecution.

Service on the Accused

2.12.18 Once the disclosure forms have been reviewed the FK will serve upon the accused, at least two weeks before summary trial or committal to the High Court/Preliminary Inquiry, FORM9C and any items that are to be disclosed. If the item to be disclosed is not capable of being copied then arrangements

can be made for the accused or his Attorney to view the original at a Police Station in an appointment with the Disclosure Officer.

2.13 Asset Recovery

2.13.1 When investigating any acquisitive offence the 10 must determine if the accused has benefited from the offence (that is, has the accused received cash, property or pecuniary advantage from the crime). This must be endorsed on FORM A or FORM C

2.13.2 Where it is determined that the accused has benefitted, the 10 should complete FORM 6 and send to the Financial Intelligence Unit (FIU) as soon as possible after arrest in order that any investigative orders or cash detention/forfeiture can be applied for by the FIU. Consideration must be given to any pre-charge application for restraint to prevent dissipation of assets and again the FIU should be contacted by sending FORM 6 .

2.13.3 The FIU will take the requisite steps needed with regard to instructing the NPS on confiscation proceedings.

2.14 Discontinuance

2.14.1 The FK should consult with the law enforcement agency before reaching a decision to terminate a case. The DPP shall authorise discontinuance, but may delegate this task where appropriate.

2.14.2 Whenever a decision is made to terminate a case, the FK will notify the law enforcement agency, who will then notify the victim of the reasons for the decision.

2.14.3 If the law enforcement agency have indicated that they do not wish to be consulted, either by local arrangements about types of case or in a specific case, then there is no requirement on the FWDPP to consult before making the decision, although confirmation of the reasons should nevertheless be given.

SECTION 3 - LAW ENFORCEMENT AGENCY SUPERVISION

3.1 Introduction

3.1.1 Effective supervision of a case file should ensure that the evidence is gathered in time and to the right and proportionate standard. The law enforcement agency must ensure that processes are in place to ensure that case files are built and quality assured to the appropriate PFS in order to avoid any subsequent re-working after submission to the NPS.

3.1.2 Law enforcement agency supervision should support an investigation from the beginning and should intervene to ensure that evidence is gathered in accordance with any investigation plan. Where necessary, there should be early consultation with the NPS. SO's should also ensure that any Action Plan is followed. NPS may provide guidance and advice to 10's throughout the investigative and prosecuting process and this may include lines of inquiry, evidential requirements and assistance in any pre-charge procedures and ID parades. The NPS will be pro-active in identifying, and where possible, rectifying evidential deficiencies and bringing to an early conclusion those cases that cannot be strengthened by further investigation. In NPS referred cases, any charging decision or advice will be recorded on FORMI and supplied to the law enforcement agency with an expectation that the Action Plan for any further investigation will be followed.

Role of SO and 10

3.1.3 The SO role in case preparation may be carried out by senior law enforcement agency officers. Early front-end proactive law enforcement agency supervision during the investigative stage is a critical component for success.

3.1.4 It is essential that the 10, as a single point of contact, is clearly identified whilst the investigation is ongoing and a case file is being built. The

arresting officer is not necessarily the 10 who deals with the accused and compiles the case file from start to finish. Responsibility and accountability for the case file is paramount.

3.1.5 SO's must check that the file complies with the PFS.

3.2 Supervisory Endorsement of Forms

FORMA — Law Enforcement Agency Report

3.21 FORMA will provide a summary of the investigation to date including:

- a. The SDN or DPP copy of electronic interview or copy of suspect's statement;
- b. The case against the suspect referring to key witness statements;
- c. Any information that may undermine a potential prosecution or assist the suspect; and
- d. Evidence outstanding with dates when it will be obtained.

3.2.2 The SO should ensure that the 10 submitting FORMA is identified.

3.2.3 The SO should ensure where a file involves domestic violence, rape, violent offences or drug trafficking, that the appropriate checklists are completed (FORMS14 to 17). Furthermore FORM6 must be completed in appropriate cases confirming the FIU have been notified so they can commence a financial investigation or prepare the necessary documentation for a restraint application.

3.2.4 Where the law enforcement agency refer a decision to the NPS, the SO should be aware that the charging decision will be based upon the file submitted to the NPS and will be indicating on the FORMA that he has certified the contents applying the PFS.

FORMB — Law Enforcement Agency Report (Supplementary)

3.2.5 This form is used to update the NPS on the progress of an inquiry in cases where an Action Plan was completed in FORMI, requiring further evidence before charge. The 10 must ensure that FORMA is attached to the file and the results of a FORMI Action Plan are recorded. Where yet

further evidence is required before the charging decision can be given, this should be recorded by the FK on a new FORMI and another Action Plan should be agreed between the law enforcement agency and FK.

32.6 After a review of the new evidence, the FK should consider whether the charging decision can now be taken. Charges should be specified, or drafted as appropriate.

3.2.7 The date of the FORMA or the most recent FORMB should be entered by the 10 on any further FORMB

FORMC - Law Enforcement Agency Report (Charge)

32.8 All cases charged by a law enforcement agency will be notified to the NPS through FORMC. It is crucial that the content of the FORMC, including the case and interview summaries, are objective, fair and balanced and are of the highest quality.' A poor quality FORMC is likely to lead to wasted time, increased costs and delayed proceedings. The FORMC should include the following:

- a. The SDN, DPP copy of interview or copy of suspect's statement;
- b. The case against the accused referring to key witness statements;
- c. Any information that may undermine a potential prosecution or assist the suspect; and
- d. Evidence outstanding with dates when it will be obtained.

3.2.9 In all cases the SO must complete the 'SO's Certification'. This certifies that the information in the FORMC is an accurate summary of the available evidence in the case and the Full Code Test has been applied

and satisfied. It also ensures that the file has been built to the required PFS. If it has not been possible to obtain all necessary information to ensure the file has reached the required PFS, the FORMC must indicate why and when missing information/evidence will be available.

3.210 Again the checklists referred (FORMS14 to 17) and FORM6 must be completed as appropriate.

FORM9 — Disclosure Series

3.211 It is not expected that SO's will acquaint themselves with the details of all unused material in every case. What is required is the appropriate check to ensure that:

- a. FORM9B, FORM9C and FORM9D contain a sufficient description of the items to enable the FK to decide whether they are likely to require disclosure to the accused;
- b. FORM9E contains adequate information; and
- c. Any item that requires further examination by the FK is available for inspection.

3.2.12 The SO's comments on any of the above aspects of the case or deficiencies in the file should be made on FORMA, FORMB or FORMC.

FORM3 — Remand Application

3.2.13 Endorsement means the SO is satisfied that adequate information has been provided to the NPS and agrees with the recommendation for the type of remand sought and the grounds upon which it is based.

FORMIO — Further Evidence/Information report

3.2.14 Where the law enforcement agency supply further information/documents to the NPS, the SO will sign FORMIC to show that such information is attached, legible and complete. Where a file, or the provision of further information requested by the NPS, will not be submitted within a

required timescale, the SO must ensure that there is an adequate explanation for the delay on the FORMIO and that this information is communicated to the NPS.

3.2.15 SO's will ensure officers and law enforcement agency staff respond to NPS requests within an appropriate timescale and facilitate the necessary resources and time to achieve this.

FORM13 — Witness Availability

- 3.2.16 When taking a witness statement the witness should be asked about any dates they would be unavailable to attend court and written on FORM13. The SO should be aware of any issues with witness availability and ensure these are made known to the NPS by the 10.

FORM18a - Exhibits List

- 3.2.17 The 10 will prepare an exhibits list with their reference, description and location in accordance with the PFS and Annex B.

FORM18b - Returned Exhibits List

- 3.2.18 When exhibits are returned to any party the 10 must confirm to the NPS on this form..

3.3 File Type and Content

- 3.3.1 The SO is responsible for ensuring that a file delivered to the NPS is fit for purpose, both in terms of content as per Annex B, PFS, quality assurance and that it is submitted in sufficient time for review by the allocated FK prior to the first court hearing.

- 3.3.2 In determining whether a case file is fit for purpose the SO should consider the nature of the offence. The file submitted must also be sufficient to enable the FK to advise appropriately.

- 3.3.3 The FORMs must be placed in numerical order on the file.

3.4 Case Files Involving Multiple Offences and/or Offenders

- 34.1 It is important from the outset that 10's/FK's , with the assistance of the CTM, identify and correctly consider the number of files to be submitted to deal with the number and type of accused persons and offences. The combinations which are likely to arise are:

- a. Single Offender, Multiple Linked Offences
- b. Single Offender, Multiple Non-Linked Offences

- c. Multiple Offenders, Linked Offences
- d. Multiple Offenders, Non-Linked Offences

General Principles

3.4.2 Charges for any offences may be included in the same file with the same Case Number (CN) if those charges:

- a. Are founded on the same facts, or
- b. Form, or are a part of a series of, offences of the same or a similar character.

As a result, case files containing charges which are not linked in either of the ways mentioned above will need to be split into separate files, each with a different CN.

Single Offender. Multiple Linked Offences

3.4.3 If the offences are based on the same facts, or form a series of offences of the same or similar character, they may be submitted as one file with a single CN.

Example: An accused is charged with four offences, (a) possessing a Class B drug with intent to supply, and (b) three assaults (ABH). The prosecution case on the drugs matter was that when law enforcement agency executed a search warrant at the accused's home address they discovered a large quantity of cannabis divided into wraps, plus pipes, scales and other ancillary items. During the course of the search the accused assaulted three law enforcement agency officers.

Such a case may be submitted as one file with a single CN, as the offences are based on the same facts.

Single Offender Multiple Non-Linked Offences

3.4.4 If the offences have no link, either factually or being of the same or similar nature, they must be submitted as separate files, each with a different CN.

Example: An accused is charged with four offences, (a) possessing a Class B drug with intent to supply, and (b) three assaults (ABH). The prosecution case

on the drugs matter was that, when law enforcement agency executed a search warrant at the accused's home address they discovered a large quantity of cannabis divided into wraps, plus pipes, scales and other ancillary items. The assaults are unconnected as they occurred some days earlier when the accused was involved in a disturbance and was arrested for obstruction and assaulting law enforcement agency officers.

The offences are Not founded on the same facts, nor are the offences of a similar character. Separate files, each with a different CN, should be submitted to deal with the different offences.

File 1: Drug offences

File 2: Assaults (the 3 assaults may be submitted on one file as they are based on the same facts and form part of a series).

Subsequent Offences

3.4.5 It is appropriate to include on the same file charges that flow as a result of each other.

Example: An accused suspected of assault during the course of an investigation whilst on bail, offers money to the complainant to retract the complaint. This may be charged as an attempt to pervert the course of justice.

The assault and pervert the course of justice could properly be submitted together on one file with a single CN. In such cases, however, the more usual scenario would be for the accused to have been first charged with assault, prior to the offer of money. A file would already have been submitted for the assault. When the pervert the course of justice is charged it should be submitted as a separate file with a different CN. The NPS might then decide it is appropriate to merge the cases.

Multiple Offenders,, Linked Offences - Same Offence

3.4.6 Offenders charged with the same offence may be submitted on the same file, with the same CN.

Example: Three offenders arrested during the course of a burglary. Each could be charged with a joint offence of burglary and one file would be submitted with a single CN. If a new offender was subsequently charged with the same offence, the file for that new offender should be submitted under a new CN. However, the NPS may then merge the related files.

Applying the example above, some days after the arrest of the 3 burglars, a fourth is located who was acting as lookout

The fourth offender's file should be submitted as a separate file with a different CN.

Multiple Offenders. Linked Offences - Different Offences

3.4.7 As a general rule, it is not appropriate to include on the same file, with the same CN, more than one offender when there are no offences to link them together, even though there may be a factual link.

Example: DI and D2 are both arrested living in the same squat. Both have been identified from shop CCTV as stealing from shops at different times and dates There is no evidence that they offend together.

The fact that they have been arrested together is not sufficient for them to be included on the same file with the same CN. Sometimes it may be appropriate to include two or more accused persons on one file, even though they are not charged with the same offence, if the offences separately alleged against them are, on the evidence, so closely related by time or other factors.

Example: At a rum shop, DI assaults VI. V2 assists VI and is assaulted by D2.

Even though DI and D2 have not acted jointly together to enable them to be charged with a joint assault on VI, it is one incident closely related by time (and probably other factors, location, witnesses, etc) and it is appropriate to submit one file with one CN.

If the case is more complex, either in terms of the number of offences or offenders then more than one file should be submitted.

Example: At carnival, a number of persons become involved in incidents with tourists. A number are arrested at during carnival and others are arrested afterwards. A variety of offences of public disorder and minor assault are charged. On the definition above, this is a case in which the offences alleged are closely related by time or other factors, such as location and witnesses.

The complexity is such that separate files to deal with individual accused persons, or smaller groups for specific incidents, should be submitted, each with a different CN.

Multiple Offenders. Non-Linked Offences

3.4.8 In some cases offenders are charged with linked offences and the investigation reveals that individual offenders have committed other offences. In such a case the following separate files should be submitted:

- a. A file that deals with the linked offence
- b. A number of other files as necessary to deal with the individual offences.

Example: DI, D2, D3 are arrested stealing from a shop. Upon being searched they are found to be in possession of other property identified as being stolen from two other local stores. Searches at their homes reveal the following:

DI: Property stolen in a burglary.

D2: Property stolen in an unrelated burglary.

D3: Drugs.

In such a case, files should be submitted as follows:

DI, D2, D3: Joint shop thefts.

DI : Burglary/handling as appropriate.

D2: Burglary/handling as appropriate.

D3: Drugs offences.

Thus, one investigation results in the submission of four files, each with a separate CN.

Post-charge File Submission

34.9 Any decision to split or merge a case after it has been submitted to the NPS will be taken by the NPS. When submitting a file, an 101SO who is aware of a possible link to another case should inform the CTM.

SECTION 4 - CREATING UPGRADED FILES

4.1 When to Perform this Procedure

4.1 .1 An upgraded file will be prepared when a matter is contested. This will either be after a not guilty plea has been entered or the matter is fixed for Committal/Preliminary Inquiry

4.2 The Contents

4.2.1 Each upgraded file will have an Upgraded File Index (FORMII), detailing the sections to be included.

4.2.2 The upgraded file should have the following documents in each section:

a. Section 1

Charge Sheet:

i. The original charge sheet/summons must be obtained from the 10's and filed in this section

b. Section 2

i. Law Enforcement Agency Reports (FORMA), any supplementary reports (FORMB) and charge (FORMC) where applicable.

c. Section 3

Charging Decisions/Review of Charging Decisions — FORMI :

- i. All charging decisions or reviews of a law enforcement agency charging decision by an FK are filed in this section — this will include FORMI's completed after a referral, further referral or after charge.

liAny emails or memo's sent to the 10 or SO confirming any further investigation detailed in the action plan are filed in chronological order in this section.

d. Section 4

Court Attendance Notes - FORM2

- i.All Court Attendance Notes must be completed in accordance with FORM2 and filed in chronological order;
- ii. Form FORM7A or B, the Trial/Preliminary Inquiry Preparation Form, will be filed in this section.

e.Section 5

Remand Hearing Form — FORM3:

f.Section 6

Attendance Notes — FORM4

- i. All Attendance Notes of conferences, meetings with witnesses and telephone calls, must be completed in accordance with FORM4 and filed in chronological order.

.Section 7

Indictment if a High Court Matter

- i. Each Indictment preferred should be filed in this section chronologically;
 - ii. The Indictment used for trial should be endorsed "Trial Indictment" and filed in this section
- h. Section 8
Antecedents
 - i. A set of antecedents dated from at least the date of charge should be filed in this section.
- i. Section 9
Jury Bundle Index
- j. Section 10
Witness Requirements — this section will include:
 - i. The contact details for all witnesses and their available dates (FORM13) for attending court;
 - ii. All correspondence to and received from witnesses; iii.
Witness antecedents;
 - iv. Any applications for special measures;
 - v. If there are any issues concerning attendance of witnesses and/or their welfare they should be detailed in this section.

k. Section 1 1

Any remaining forms will be filed by the FK in this section in chronological order:

i.FORM5: Case Summary

ii. FORM8: Plea and sentence form completed by the Advocate;

iii.FORMIC Further Evidence Information Report;

iv. FORM12: Compensation claim;

v.FORMS14-17: Checklists for domestic violence, rape, violent offences or drug trafficking; vi. FORM19: File review checklist vii. Basis of Plea;

viii. Skeleton Arguments

Appendix A

i.All Evidence served shall be paginated and split by statements, exhibits (FORM18a and b) and any transcripts of interviews

ii.Any additional Evidence served shall be number sequentially again split by statements, exhibits and interviews

Appendix B

Any other Correspondence filed in chronological order

Appendix C

i.FORM9C: Non-sensitive disclosure index;

ii. All correspondence, attendance notes, copy of non-sensitive material disclosed to the defence

Appendix C (ii)

i.FORM9A: NPS Disclosure Log

ii. FORM9B: Disciplinary findings antecedents of law enforcement agency officers

iii.FORM9E: Disclosure Officers report

iv. FORM9D: Sensitive disclosure index - THIS SHOULD BE STORED IN A SECURE LOCATION AND A NOTE MADE ONLY IN THIS SECTION WHERE STORED

Appendix D

i.Restrict Order Application;

ii. Copy of the Restraining Order;

iii. Prosecutors Statement;

iv. Accused's Statement;

v.Reply to Accused's Statement;

vi. Skeleton Arguments

4 . 3 Appeals

- 4.3.1 If there is an appeal the CTM will locate the original case file and obtain a new case file jacket and mark the new file with the same CN as the original. The CTM will mark the new file as a sub-file by writing the words "sub-file" next to the CN and keep the original and the new case file together.

5 CLEAR DESK POLICY

5.1 The Policy

5.1.1 All files should be secured in suitable locked cabinets and/or other forms of security furniture when not in use, during a working day and overnight.

5.2 Principles

5.2.1 Desks must be clear of sensitive material when left unattended.

5.2.2 Sensitive means any material, which can be defined as or is protectively marked as Confidential or above:

- a. Sensitive material must be stored in filing equipment or file room;
- b. Desks must be cleared at the end of each working day;
- c. Desks must be cleared when left unattended for any length of time (e.g. attending court);
- d. Unnecessary clutter should be avoided.

5.2.3 Files and other material with the protective markings Confidential, should be held in secured containers and an appropriate index of their location must be maintained.

5.2.4 Filing equipment must be secured:

a. Drawers and doors should be closed; b. All

filing equipment should be locked.

c. File rooms in working areas (e.g. open plan) must be locked at

SECTION –

- d. Access to the rooms should be controlled at all times;
- e. All file rooms must be locked at night.

5.2.5 Computer disks and tapes must be stored securely:

- a. Computer disks must be removed from the computer and locked in secure filing equipment or file room.

5.2.6 Office floor and working areas must be kept clear:

- a. Files or documents should not be left on the floor;
- b. Rooms must be clutter free and restricted waste should be held securely;
- c. Notice boards should be smart and up-to-date.

5.2.7 Keys to filing equipment and file rooms must be kept secure:

- a. Keys must be away in a safe place where any unauthorised attempt to use them would be detected;
- b. Keys should not be hidden in desk drawers or elsewhere;
- c. Duplicate sets of keys should be held separately.

6 STORING FILES

e 6.1 The Policy

6.1.1 Case files that are active should be stored as close as possible to the FK.

6.2 Principles

6.2.1 Files must not be stored in desk drawers where they are not available to other members of NPS staff to access

6.2.2 Files should be sorted alphabetically in order of the accused's surname.

6.2.3 When a file is removed from the shelves it should be replaced by a marker (tracker or absence card) on which the name of the person holding the file and the date removed are recorded.

6.2.4 Files must be returned to the shelves as soon as work on them is completed.

6.2.5 The DRO will undertake a thorough audit of the filing system every six months to ensure that:

- a. Files are put away in order;
- b. Closed files are not stored with current/live files;
- c. The tracker (absence) card system is used;
- d. The findings of the audit report should be reported to the DPP.

SECTION –

7 WARRANT FILES

7.1 When to Perform this Procedure

7.1.1 An FK should keep a file under review where:

- a. A warrant has been issued and the accused has not appeared for trial; or
- b. A period of six months has passed following the issue of the warrant.

7.2 The Procedure

7.2.1 The FK will review the file to determine whether to refer to the DPP to discontinue the proceedings.

7.2.2 If the warrant is not executed or the case has not been terminated, the FK should review the file every six months.

SECTION –

8 CLOSING FILES

8 . 1 When to Perform this Procedure

8.1 .1 The DRO will perform this procedure after an accused is sentenced and any confiscation proceedings have been concluded

8 . 2 The Procedure

8.2.1 Locate the case file.

8.2.2 Destroy surplus copies of documents (e.g. jury copies of exhibits) which are attached to the file but they are not in the file.

8.2.3 Return original exhibits, and copy tapes to the 10.

8.2.4 If the case file is a Long Term Interest File (see Long Term Interest File Criteria), refer the case file to the CTM.

8.2.5 If the case file is not a Long Term Interest File, mark the file with a destruction date and retain for a pre-defined period

8.2.6 The DRO must inform the CTM and the case file deleted from the CMS .

9 RETENTION SCHEDULE

Criminal Case Files and Related Documents/Material

Categories of case files	Retain for
--------------------------	------------

SECTION –

Cases finalised and classified as Long-Term Interest	25 years and then reviewed by Director of Public Prosecutions or Prosecutor designated by Director of Public Prosecutions
Cases finalised (not classified as Long Term Interest)	5 years or the length of the sentence if this is longer than 5 years
Cases resulting in a Life Sentence not captured by Long Term Interest criteria	25 years and then reviewed by Director of Public Prosecutions or Prosecutor designated by Director of Public Prosecutions (If the file is no longer of operational value — destroy)
Cases in which any preventative order was made by the court against a accused (for example injunction pr registration)	<p>The period of any court order</p> <p>If the court order is for an indefinite period, mark the file for destruction:</p> <ul style="list-style-type: none"> o In the year that the accused reaches the age of 85; or o In the year that the sentence is complete, if the completion date of the sentence exceeds the age of 85

<p>Cases in which an order was made under the Proceeds of Crime Money Laundering (Prevention) Act or Proceeds of Crime Act 2013</p>	<p>Order under the sum of \$1 million</p> <p>0 7 years following the date of the order or o the length of the order if this is longer than 7 years</p> <p>Order over the sum of \$1 million</p> <p>0 10 years following the date of the order or o the length of the order if this is longer than 10 years</p>
<p>All cases involving complaints against the Police (where a complaint has been made against the Police or where a Police Officer is the accused)</p>	<p>3 years following date of advice / discontinuance; or</p> <p>3 years following any final court date; or the length of the sentence if this is longer than 3 years</p>
<p>Advice cases where no full file has been provided and advised NFA (no further action). Advice / discontinued cases where the full file has been provided and no proceedings have taken place or where the case was discontinued before trial</p>	<p>1 year following the date of advice / discontinuance</p> <p>5 years following the date of advice / discontinuance</p>

Cases that were finalised at Magistrates' Court.	<p>1 year following the final court date; or</p> <p>the length of the sentence or order if the court sentence or order is longer than 1 year - see examples below:</p> <p>Case finishes Sentence Due destroy date July 2013 \$500 fine July 2014 July 2013 16 months' probation November 2014</p>
Cases that were finalised at High Court	<p>3 years following the final court date; or</p> <p>the length of the sentence or order* if the sentence or order is longer than 3 years - see examples below:</p> <p>Case finishes Sentence Due destroy date July 2013 Discharge July 2016 July 2013 9 years imprisonment July 2022 EXCEPT CASES not classified as LTI</p>

	but resulted in an Life Sentence
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SECTION 10 - LONG TERM INTEREST CRITERIA

A case file that has been finalized at Magistrates' Court or High Court is categorized as a Long Term Interest (LT I) file when it satisfies any of the following criteria:

<p>Significant legal interest</p> <p>Significant legal precedent value</p> <p>Demonstrating new or revised legal or investigative procedure</p> <p>Demonstrating early operation of new legislation</p> <p>Unusual or rarely charged offences</p>	<p>Life Sentences</p> <p>Life imprisonment</p>
---	--

<p>Specific offences (charged or where advice given, including acquittals)</p> <p>Murder</p> <p>Manslaughter — (except Road Traffic Accident offences)</p> <p>Infanticide</p> <p>High Treason, Treason or Misprision of Treason</p> <p>Riot (large scale public disorders regardless of charges)</p> <p>Kidnapping</p> <p>Terrorism</p> <p>Piracy/Hijacking</p> <p>Offences against security of State</p> <p>Criminal libel</p> <p>Conspiracy (to commit an offence in this list)</p>	<p>Notable people and events (excluding minor summary matters)</p> <p>Famous, eminent or notorious people (international or national)</p> <p>'Disaster' cases</p>
	<p>Highly sensitive</p> <p>Matters against the interests of the State</p>

SECTION 11 - FORMS

Pre Charge Forms

FORMA	Law Enforcement Agency Report
FORMB	Law Enforcement Agency Report (Supplementary)
FORMC	Law Enforcement Agency Report (Charge)

Post Charge Forms

FORMI	NPS Advice or Review of Charging Decision
FORM2	Court Attendance Note
FORM3	Remand Hearing Form
FORM4	Attendance Note

FORM5	NPS Case Summary
FORM6	Proceeds of Crime Referral Form
FORM7A	Case Preparation Form (Trial)
FORM7B	Case Preparation Form (Committal/PI)
FORM8	Plea and Sentence Form
FORM9A	NPS Disclosure Log
FORM9B	Law Enforcement Agency Officers Antecedents/Disciplinary Record
FORM9C	Non-sensitive Unused Material Schedule
FORM9D	Sensitive Material Schedule
FORM9E	Disclosure Officers Report
FORMIO	Further Evidence Information Report
FORMII	Upgraded File Index
FORM12	Compensation Form
FORM13	Witness Availability Form
FORM14	Domestic Violence Checklist
FORM15	Rape Checklist
FORM16	Violent Crimes Checklist
FORM17	Drug Trafficking Checklist
FORM18a	Exhibit List
FORM18b	Returned Exhibit List
FORM19	File Review Checklist

FORMA , - LAW*NFORCEMENTAGENCY REPORT

CONFIDENTIAL NOT TOBE DISCLOSED

CN

ACCUSED

OFFENCE

DATE

Introduction

Nature of the Investigation i.e Drug Trafficking of x kg's of x drugs

Details of the Investigation

Outline of the evidence from witnesses, CCTV and any other source Arrest

Including anything seized from the accused and any comments made when arrested

Searches

Include any incriminating articles found at the search and anything said by the accused during the search

Interview

SDN of the interview under caution or DPP copy of electronic interview

Points to Prove

Outline how the points to prove for the offence will be proved referring to the evidence obtained

Asset recovery case: [Z Yes [3 NO

If Yes Complete FORM6

SUPERVISING OFFICER CERTIFICATION:

FILE TO NPS FOR ADVICE [3 Yes No

SDN and RELEVANT MATERIAL IN THE REFERRAL FILE CI Yes No

CONFIDENTIAL

FORMB - LAW: ENFORCEMENT AGENCY REPORT

NOT TO BE DISCLOSED

CN

ACCUSED

OFFENCE

DATE

Introduction

Investigation i.e Drug Trafficking of x kg's of x drugs

Date of Original FORMA/B

Detail FORMI Action Plan if previously referred to NPS for Advice

Details of the Further Investigation

Outline of the further evidence from witnesses, CCTV and any other source

Interview

SDN of the interview under caution or, DPP copy of electronic interview

Points to Prove

Outline how the points to prove for the offence will be proved referring to the further evidence obtained

Asset recovery case: Yes [J No

If Yes Complete FORM6

SUPERVISING OFFICER CERTIFICATION:

FILE TO NPS FOR ADVICE [3 Yes a No

SDN and RELEVANT MATERIAL IN THE REFERRAL FILE Yes No

EVIDENCE STILL OUTSTANDING Yes CI No

LIST and DATE WILL BE SERVED on NPS

CONFIDENTIAL

**FORMC - LAW ENFORCEMENT AGENCY
REPORT (Charge)**

CONFIDENTIAL%— NOT TO BE, DISCLOSED

CN

ACCUSED
CHARGE/S
DATE
<p><u>Introduction</u></p> <p>Nature of the Investigation i.e Drug Trafficking of x kg's of x drugs</p> <p><u>Details of the Investigation</u></p> <p>Outline of the evidence from witnesses, CCTV and any other source</p> <p><u>Arrest</u></p> <p>Including anything seized from the accused and any comments made when arrested</p> <p><u>Searches</u></p> <p>Include any incriminating articles found at the search and anything said by the accused</p> <p><u>Interview</u></p> <p>SDN of the interview under caution or DPP copy of electronic Interview</p> <p><u>Code for Prosecutors</u></p> <p>Evidential Stage: Outline how a reasonable prospect of conviction</p> <p>Public Interest Stage: If Evidential Stage satisfied is it in the public interest to prosecute</p> <p>Asset recovery case: [3 Yes NO</p> <p>If Yes Complete FORM6</p> <p>SUPERVISING OFFICER CERTIFICATION:</p> <p>Name of SO:</p> <p>DATE FILE REVIEWED:</p> <p>ANY EVIDENCE OUTSTANDING C] Yes C] No</p> <p>DATE FOR SERVICE OF ADDITIONAL</p> <p>EVIDENCE COMMENTS:</p>

CHARGING DECISION

'NESiRicTÉD

[illegible]

PUBLIC INTEREST STAGE	
CHARGES	1.S/EW/I 2.S/EW/1 3.S/EW/1 4.S/EW/1 5.S/EW/1
REPRESENTATIONS ON VENUE	

Restricted Restricted

Prosecutor to indicate general nature of decision and advice (Tick one box only)			
A	Charge		
B	Charge different offences		
C	Further investigation		
D	NFA - Evidential		
E	NFA - Public Interest		
F	Other (Please specify)		

ACTION PLAN: 1 . 2. 3. 4.	Action date by:
Asset recovery case: Yes No If Yes Complete FORM6	
Further consultation needed pre-charge: [3 Yes No Prosecutor name (print): Contact details: Date:	
Investigation stage at which advice sought: Pre arrest Post Arrest Post Interview Post Charge	

Restricted

<h2 style="margin: 0;">FORM2 - COURT? ATTENDANCE?NOTE</h2> <p style="margin: 5px 0 0 0;">RleStridtedi</p>	
CN	
DATE	
COURT	

TYPE OF HEARING		
ADVOCATES	Prosecution : Accused :	
MAGISTRATE/JUDGE		
OUTCOME OF HEARING		
	Bail/RIC (Inform Prison if fear of intimidation of key witness)	Grounds for RIC
	Bail Conditions:	
COURT ORDERS		
NEXT HEARING DATE	CONFIRM NOTED IN CMS C] Yes C] No	

Restricted

FORM3 - REMAND HEARING FORM

RESTRICTED

CN	
Name of Accused	
Charges	
Criminal Procedure Code Section 43 applies	No Bail if charged with (circle): Murder Genocide High Treason Treason Misprision of Treason
Grounds for Seeking a Remand in Custody	<p>Fail to surrender: Information in Support</p> <p>Commit offences on bail (current and previous): Information in Support</p> <p>Obstruct the course of justice and/or interfere with witnesses : Information in Support</p> <p>A remand in custody is necessary for the person's safety: Information in Support</p> <p>If a child or young person, for that person's own welfare or own interests: Information in Support</p>

If Granted Bail suggested Conditions	
SUPERVISING OFFICER CERTIFICATION	Name of SO: DATE FILE REVIEWED:

Restricted

FORM4 - ATTENDANCE NOTE Restricted	
CN	
DATE	
WHERE	
WHO ATTENDED	

NOTES	
ACTIONS	<p>CONFIRM NOTED IN CMS: [3 Yes No</p>

Restricted

Form 5 — NPS CASE SUMMARY

ReStriCted

CN

ACCUSED/S

CHARGES
DATE
<p><u>Introduction</u></p> <p>Nature of the Investigation i.e Drug Trafficking of x kg's of x drugs</p> <p><u>Details of the Investigation</u></p> <p>Outline of the evidence from witnesses, CCTV and any other source</p> <p><u>Arrest</u></p> <p>Including anything seized from the accused and any comments made when arrested</p> <p><u>Searches</u></p> <p>Include any incriminating articles found at the search and anything said by the accused during the search</p> <p><u>Interview</u></p> <p>Summary of the interview under caution</p> <p><u>Prosecution Case</u></p> <p>Outline how the prosecution will present and prove the charges referring to the evidence obtained</p>

Restricted

FORM6 - PROCEEDS OF CRIME REFERRAL

Restricted

CN	
IO	Name: Contact Details:
ACCUSED	
CHARGES	
DID THE SUSPECT MAKE ANY FINANCIAL GAIN OR OBTAIN PROPERTY	Specify Property:
DOES THE ACCUSED OWN OR HAVE AN INTEREST IN ASSETS	House: Car: Boat: Jewelry: Other:
ARE MONEY LAUNDERING CHARGES BEING CONSIDERED	If so which section
ARE THE VICTIMS CLAIMING COMPENSATION	Names of Victims: Amount Claimed:
IS RESTRAINT NECESSARY	<input type="checkbox"/> Yes <input type="checkbox"/> No Of What Property: Pre-Charge: <input type="checkbox"/> Yes <input type="checkbox"/> No
HAS THERE BEEN A CASH SEIZURE	Amount: Application for Detention: <input type="checkbox"/> Yes <input type="checkbox"/> No
ARE PRODUCTION ORDERS REQUIRED	<input type="checkbox"/> Yes <input type="checkbox"/> No Detail:
ANY OTHER ORDERS REQUIRED	Account Monitoring Order: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes why: Order for Disclosure of Income Tax Information: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes why: Disclosure of Information held by Government Deps: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes why:
NEXT HEARING DATE	Date/Time/Court: Purpose:

FORM7a - CASE *REPARATION FORM; (Trial)

Restricted

Accused

Summons

Bail

C] Custody

Offence(s)

CN

Date of first hearing

1 A Case management information

1.1 Is the investigation complete ?

C] Yes C] No

If no, give brief details:

1 .2 Do the NPS intend to serve more evidence ? If yes, give brief details:

Yes No

1.3 The prosecution will rely on: Accused's admissions in interview

Tick / delete as appropriate Accused's failure to mention facts in interview [a summary] [a record] of the accused's interview
expen evidence
[CCTV] [digitally recorded] evidence

What equipment (tape I DVD player, etc.) will be needed in the trial courtroom ?

1.4 Are there any security concerns for members of NPS staff C] Yes C] No

What measures will be put in place

2 Application for directions

2.1 Do the NPS want the court to vary any time limit set for service of evidence ?

Yes No

If yes, give details:

Do the NPS want the court to make any other direction ?

C] Yes If

yes, give details:

No

Part 2:

3 Accused's
contact
details

Accused

Address	Phone Mobile
Email	

4 Accused's

	Phone Fax Ref
Address	
Email	

representative (if applicable)

Attorney

5 Partial or different guilty plea

If more than one offence is alleged, does the accused want to plead guilty to any of

Y

them ?

If yes, which offence(s) ?

Does the accused want to plead guilty, but not on the facts alleged ?

If yes, attach written basis of plea.

Does the accused want to plead guilty, but to a different offence ? If yes, what offence ?

The
accuse
d was
present
at the
scene
of the
offence
alleged

6 Case management information

6.1 Which of the following (if applicable) is AGREED ? Tick/ delete as appropriate The accused [carried out] [took part in] the conduct alleged (i.e. identification)

The accused was arrested lawfully

☐ Yes ☐ No ☐
N/A

[Nature of injury] [extent of loss or damage] If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

[Fingerprint] [DNA] evidence
If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

[Medical] [identification of drug] [other scientific] evidence If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

Exhibits and samples were collected and delivered as stated (i.e. continuity) If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

☐ Yes ☐ No ☐
N/A

Yes NO

☐ Yes ☐ No ☐
N/A

[3 Yes [3 No

☐ Yes ☐ No ☐
N/A

Accused's interview [summary] [record] is accurate If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

The list of the accused's antecedents is accurate If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐
N/A

6.2 Other AGREED facts or issues are: Give details

6.3 Can AGREED facts be recorded in a written admission ? C] Yes No If yes, a written admission [is set out here] [is attached] [will be served later]. If no, explain why:

6.4 What are the DISPUTED issues of fact or law for trial, in addition to any identified in paragraph 6.1 ?

7 Application for directions

7.1 Does the accused want the court to vary a case preparation time limit ? Yes No If yes, give details:

7.2 Will there be any applications for:

-jury protection Yes NO

- press restrictions Yes NO

Does the accused want the court to make any other direction ? If yes, give details:

Part 3:

8 Prosecution witnesses(continue on extra page if required)

Name of witness	Tick if under 18	Attendance proposed	Can the evidence be read to the court ? Yes No	If no, what disputed issue in the case makes it necessary for the witness to give evidence in person ?
1) Date Warned: Date Warned to attend:				
2) Date Warned: Date Warned to attend:		[3	C] Yes No	
3) Date Warned: Date Warned to attend:			Yes No	
4) Date Warned: Date Warned to attend:			Yes No	
5) Date Warned: Date Warned to attend:			<input type="checkbox"/> Yes <input type="checkbox"/> No	
6) Date Warned: Date Warned to attend:			Yes No	
7) Date Warned: Date Warned to attend:			Yes C] No	

8.2 Are there any witness security concerns ☐ Yes ☐ No
If yes explain measures implemented

8.3 Is it intended to tender a deposition from the PI ☐ Yes ☐ No
If Yes give details

8.4 Will there be an application for witness anonymity ☐ Yes ☐ No

If Yes give details

8.5 Does the Prosecutor want special measures for a witness ? ☐ Yes ☐ No If yes, give details:

8.6 Is a witness summons required ☐ Yes ☐ No

8.7 Does the witness require an interpreter ☐ Yes ☐ No

9 Witnesses for the Accused

9.1 Do you have the names of the witnesses ☐ Yes ☐ NO

9.2 Do they have any antecedents ☐ Yes ☐ No

Will the accused give evidence?

☐ Yes ☐ No

☐ Yes ☐ No

Restricted

Form 'j' 7b CASE

Resetid#ed.'

Accused/s

C] Summons CI Bail
Custod

Offence(s)

CN

Date of Committal/PI

1 Case management information

1.1 Is the investigation complete ? [3 Yes No

If no, give brief details:

1.2 Does the NPS intend to serve more evidence after the PI/Committal C] Yes [3 No PLEASE
NOTE: This may not be adduced if evidence was available at the time of the

If yes, give brief details and when evidence will be available:

- 1.3 The prosecution will rely on: accused's admissions in interview
- accused's failure to mention facts in
interview
- Tick / delete as appropriate [a summary] [a record] of the accused's interview
- expert evidence
- [CCTV] [digitally recorded] evidence

1.4 What equipment (tape I DVD player, etc.) will be needed in the courtroom ?

Restricted

Paper Committal (If applicable)

Is the Indictment prepared

[3 Yes

C] No

C] Yes

No

1.6 Has the file keeper read the file to determine there is a reasonable prospect of conviction (applying the Full Code test) and the bundles of evidence contain sufficient evidence to cover every element of the offence/s charged

No

1.7 Have the statements been typed

Yes

1.8 Have all the following been served on the accused paginated:

- Bundle of tendered statements;

Yes

No

- Accused's video interview

CI Yes

[3 No

- Any video interview of a witness

Yes

No

- Bundle of tendered exhibits;

Yes

No

No

- Bundle of unused statements that will assist the accused's case and undermine the prosecution case;

C] Yes

CI No

- Bundle of unused exhibits that will assist the accused's case and undermine

the prosecution case;

PLEASE NOTE: The bundle should not include statements that damage the prosecution case, statements by those whose evidence is considered unreliable, and by those who are potentially hostile to the prosecution. This is very important because the NPS may be obliged to call witnesses

at trial it would prefer not to, because their statements were tendered at committal. (If, ultimately, the witness is not called, their statement would be unused material)

1.9 Has a case summary (Form 5) been prepared detailing how the prosecution will present their case Yes No

Restricted

Restricted

Preliminary Inquiry (If applicable)

1.10 Has the File Keeper read the file to determine there is a prima facie case applying Practice Direction (Summary Trial) 1962 1 WLR 227 Yes No

1.11 Have the statements been typed Yes [3
No

1.12 Has the accused been served with witness statements Yes No

1.13 Has the accused had the following material made available to them:

• Original statements made by witnesses to be called to the PI; C] Yes [Z
No

- Exhibits that will be produced at the PI; Yes No

• Any exhibits or statements the prosecution do not intend to rely upon that . Yes C]
could assist the accused's case or undermine the prosecution case No

1.14 Have all witnesses been warned to attend the PI - see Part 3 below Yes No

1.15 Will there be any applications for special measures/witness anonymity Yes No

1.16 Are Prosecution witnesses so fragile, elderly or likely not to attend trial that the Prosecution would welcome the opportunity to have their evidence secured at the preliminary inquiry to be used later at trial? [3 Yes ☐ No

List these witnesses:

1.17 Are there witnesses you wish to hear from who may not attend trial and whose evidence you want to ensure is secured on the record? Yes No

List these witnesses:

1.18 Has a case summary (Form 5) been prepared detailing how the prosecution will present their case [3 Yes C] No

Restricted

Part 2:

2 Accused's contact details

Address	Phone Mobile
Email	

3 Accused's

	Phone Fax
Address	

representative (if applicable)

Attorney

☐ Yes ☐ No ☐
N/A

4 Partial or different guilty plea

If more than one offence is alleged, does the accused want to plead guilty to any of

them ?

☐ Yes ☐ No ☐ N/A

☐ Yes ☐ No ☐ N/A

If yes, which offence(s) ?

Does the accused want to plead guilty, but not on the facts alleged ?

Yes No

If yes, attach written basis of plea.

Does the accused want to plead guilty, but to a different offence ? If yes, what offence ?

Yes No

5 Case preparation and likely issues

5.1 Which of the following (if applicable) is AGREED ? Tick/ delete as appropriate The accused [carried out] [took part in] the conduct alleged (i.e. identification)

☐ Yes ☐ No ☐ N/A

☐ Yes ☐ No ☐ N/A

The accused was present at the scene of the offence alleged

The accused was arrested lawfully

[Nature of injury] [extent of loss or damage]

If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐ N/A

[Fingerprint] [DNA] evidence

☐ Yes ☐ No ☐ N/A

If not agreed, explain what is in dispute: [Medical
[identification of drug] [other scientific] evidence If not
agreed, explain what is in dispute:

☐ Yes ☐ No ☐ N/A

Exhibits and samples were collected and delivered as stated (i.e. continuity)
If not agreed, explain what is in dispute:

☐ Yes ☐ No ☐ N/A

Accused's interview [summary] [record] is
accurate If not agreed, explain what is in dispute:

The list of the accused's previous convictions is accurate
If not agreeß, explain what is in dispute:

Yes NO N/A

5.2 Other AGREED facts or issues are:

Part 3:

6 Prosecution witnesses (continue on extra page if required)

6.1

Name of witness	Tick if under 18	Complete for PI Only Attendance proposed for	Complete for Committal Will the evidence be part of the bundle for a paper committal C] Yes No
1)		Date Warned:	
2)		Date Warned:	[Z Yes C] No
3)		Date Warned:	Yes 12 No
4)		C] Date Warned:	C] Yes CI No

5)		[3 Date Warned:	Yes No
----	--	-----------------------	-----------

62 Do the NPS want special measures/anonymity for a witness? Yes No If yes, give details:

6.3 Does any witness need an interpreter ? [3 Yes [3 No If yes, in what language ?

7 Witnesses for the Accused

7.1 Do you have the names of the witnesses Yes No List:

7.2 Do they have any antecedents CI Yes C] No

7.3 Will the accused give evidence Yes NO

Restricted

FORMS— PLEA and SENTENCE, FORM	
Restricted	
CN	
DATE	
ACCUSED	
CHARGES	
LIST AGGRAVATING FEATURES OF CHARGES	
LIST MITIGATING FEATURES OF CHARGES	
LIST GUIDELINE AUTHORITIES AND ATTACH	

IS THERE A DISPUTE WITH THE ACCUSED'S BASIS OF PLEA REQUIRING A NEWTON HEARING	[3 Yes C] No If yes set out factors that are in dispute:
IS A CONFISCATION ORDER BEING APPLIED FOR	<p>Yes No</p> <p>Apply for timetable to be fixed before proceeding to sentence: Date</p> <p>Request for Information order:</p> <p>Accused's Response:</p> <p>Service of Prosecutors Statement:</p> <p>Reply from Accused</p> <p>Prosecution Response to Accused's reply</p> <p>Date fixed for Confiscation Hearing</p>
ANY OTHER ORDERS REQUIRED	<p>Compensation (see FORM12):</p> <p>Forfeiture (details of property):</p> <p>Costs (amount):</p> <p>Any other ancillary orders:</p>

Restricted Confidential

NOT TO BE DISCLOSED
FORM9A-NPS DISCLOSURE LOG

ACCUSED		
CN		
FILE KEEPER		
DISCLOSURE OFFICER		
DATE	EVENTS AND ACTIONS	INITIALS

Confidential

Confidential

FORM9B — Law Enforcement Agency Officers Antecedents/ Disciplinary Record

Name of Accused:			
Name of Disclosure Officer:			
NO.	Description	Disclosure Decision	Initials of FK

Confidential

Restricted

FORM9C - NON-SENSITIVE MATERIAL SCHEDULE

Name of Accused:			
Name of Disclosure Officer:			
NO.	Description	Disclosure Decision	Initials of FK

Restricted

Confidential

FORM9D - SENSITIVE MATERIAL SCHEDULE

Name of Accused:					CN:
Name of Disclosure Officer:					
Item No.	Description	Reason for Sensitivity	Disclosure Decision	Application to Court YIN	Initials of FK

ACCUSED	CN: Name: Charges:
DISCLOSURE OFFICER	
DATE FORMS COMPLETED	FORM9B: FORM9C: FORM9D:
MATERIAL THAT SATISFIES THE DISCLOSURE TEST:	

Confidential

FORM 10 - FURTHER*VIDENCE INFORMATION REPORT

Confidential

ACCUSED	Name: Charges:
10	Name: Rank:
SO	Name: Rank:
DATE	
LIST FURTHER EVIDENCE	
SUPERVISING OFFICER CERTIFICATION:	<p>Further evidence attached Yes No Date</p> <p>Further evidence reviewed:</p> <p>Are written statements legible Yes C] NO</p> <p>Is Further Evidence still to be submitted to the NPS: If Yes detail the nature of the Evidence:</p> <p>What date will it be served by:</p>

FORMII- UPGRADED FILE INDEX

Section	Enclosures
1	Charge sheet/Summons
2	Law Enforcement Agency Reports: FORMA, FORMB, FORMC
3	Charging Decisions/Review of Charging Decisions: FORMI
4	Court Attendance Notes: FORM2 and FORM7 Trial/P1 Preparation
5	Remand Hear-in Form: FORM3
6	Attendance Notes: FORM4
7	Indictment
8	Antecedents
9	Jury Bundle Index
10	Witnesses: FORM13 Availability
11	Other Forms: (FORMS) Case summary; (FORMIC) Further Evidence Information Report; (FORM12) Compensation; (FORM8) Plea and Sentence; Basis of Plea; and Skeleton Arguments, File Review Checklist FORM19
Supplementary Prosecution Files	
Appendix	Evidence (split by statements, exhibits FORM18a and b, interviews)
Appendix	Correspondence (chronological, split by accused, Court, case team, other)
Appendix	Disclosure (Restricted) (FORM9C)
Appendix	Disclosure (Confidential) (FORM9A, FORM9B, FORM9D and FORM9E)
Appendix	Restraint and Confiscation (plus FORM6) Proceeds of Crime Referral Form

FORM COMPENSATION% CLAIM
Restricted

CN	
NAME OF CLAIMANT	COMPENSATION CLAIMED AND SUPPORTING EVIDENCE (receipt of purchase or independent valuation attached)

Restricted

FOÄM13æ r WITNESSAVAILABILITY

FORM14— DOMESTIC VIOLENCE CHECKLIST

Confidential

CN

Have you collected all available evidence

Victim statement
(including reference to
previous domestic
violence incidents if
relevant)

CI Yes CI No

If No request a statement to:

Explain the reasons for not supporting;

If victim called the police if contents of call correct

Say whether the complainant has been pressurized not to provide a statement
by any person.

Attending Officers
Statement

Include: No

Visible injuries to victim Yes

Details:

Visible injuries to suspect CI Yes

Details:

Signs of struggle [3 Yes

Details:

[3

No

NO

Disposition of victim C] Yes

Details:

CI

Disposition of offender [3 Yes

Details:

No

NO

Identification of others present

[3

Details:

Yes

☐ No

Other Statements

Neighbours Yes NO

Details:

Children at the scene C] Yes

Details:

NO

Photographs of the scene and injuries	Of the scene C] Yes NO Of injuries to the suspect [3 Yes NO
Admissions by suspect	Unsolicited comments pre-arrest Yes No Details: Unsolicited comments by the suspect after caution [3 Yes No Details: Admissions by the suspect in interview Yes No Details:
Medical evidence (confirm victim consents)	[3 Yes No Details:
CCTV	Yes No
Is there any relevant information from Police Records?	
Any civil orders in force	C] Yes C] No Details:
Any previous allegations and how were these disposed of	C] Yes No Details:
Bail history and any breach of civil orders	Yes C] No Details: Add to Form3 for remand hearing
Information regarding the victim and/or incident	
Has the victim been contacted by the suspect/ family/ friends/	No Yes Details:
Relationship status and history (to include domestic arrangements)	

Police view of future relationship and likelihood of recurrence/any threats	
Counter allegations/defence	[3 Yes No Details:
Ability/ willingness of victim to attend court and give evidence	Yes No
Special measures needed	Yes No Details:
If victim retracts will a witness summons be needed	[3 Yes No Details:
Can bail conditions adequately protect the victim	C] Yes No Details: Complete Form3 detailing appropriate Bail Conditions
Information in relation to children	
Whereabouts of children during incident	
Police views on safety of children	

Restricted

FORM15 – RAPE CHECKLIST

Confidential

CN

Have you collected all available evidence

Victim statement	<p>Yes No Include:</p> <p>Relationship with suspect</p> <p>What was being worn</p> <p>Any alcohol</p> <p>How intercourse took place</p> <p>Identify any scars or tattoos on suspect</p> <p>Damage to clothing</p> <p>Injuries</p> <p>Reaction after offence</p> <p>Any actions taken (shower etc)</p> <p>Who else has been informed</p> <p>When police were contacted</p> <p>Reason for any delay in contacting police</p> <p>Confirmation of age (birth certificate if a child)</p>
<p>Attending Officers Statement</p>	<p>Include:</p> <p>Visible injuries to victim CI Yes [3 No Details:</p> <p>Visible injuries to suspect [3 YesNo Details:</p> <p>Signs of struggle CI Yes No Details:</p> <p>Disposition of victim Yes [3 No Details:</p> <p>Disposition of suspect (if present) Yes No Details:</p> <p>Identification of others present Yes No Details:</p>
<p>Evidence from the scene seized</p>	<p>Bedding C] Yes No Details:</p> <p>ClothingÜ Yes No Details:</p> <p>Any other evidence that may have forensic evidence Yes [3 No Details:</p>
<p>Other Statements</p>	<p>Recent complaint Yes NO Details:</p> <p>Eye-witness C] Yes NO</p>

	Details: Any other witness who has knowledge of the suspect or victim Yes <input type="checkbox"/> No <input type="checkbox"/> Details:
Photographs (video) of the scene and injuries	Of the scene Yes No Of Injuries to the victim [3 Yes [3 No Of injuries to the suspect [3 Yes NO
Admissions by suspect	Unsolicited comments pre-arrest [Z Yes [3 No Details: Unsolicited comments by the suspect after caution Yes <input type="checkbox"/> No <input type="checkbox"/> Details: Admissions by the suspect in video interview <input type="checkbox"/> Yes [3 NO Details:
Forensic samples taken from the suspect (even if confirms intercourse was consensual)	Fingerprints <input type="checkbox"/> Yes C] NO Details: Yes Details:
Forensic evidence	Submitted from the scene C] Yes No Details: From the victim C] Yes [3 No Details: From the suspect [2 Yes NO Details:
Medical evidence of victim	Has the victim signed a consent form Yes C] Details: NO Medical examination completed CI Yes Details: No
CCTV	Yes C] No
Cell phones seized	Yes No Details of any texts/BBM/call contact:

Ability/ willingness of victim/ witness to attend court and give evidence	C] Yes No
Special measures needed	Yes CI No Details:
If victim/witness retracts will a witness summons be needed	[3 Yes [3 No Details:
Can bail conditions adequately protect the victim/ witnesses	CI Yes No Details: Complete Form3 detailing appropriate Bail conditions

FORM16—VIOLENT CRIME (other than Domestic

Violence) CHECKLIST

Confidential

Have you collected all available evidence

Victim statement

Yes [3 No

Include:

Relationship with suspect

Any alcohol

Damage to clothing

Injuries

Reaction after offence

Any actions taken (shower etc)

Who else has been informed

When police were contacted

Reason for any delay in contacting police

Attending Officers Statement	<p>Include:</p> <p>Visible injuries to victim Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p> <p>Visible injuries to suspect [3 Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p> <p>Signs of struggle C) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p> <p>Any evidence of motive (robbery, drugs etc) Yes No <input type="checkbox"/></p> <p>Details:</p> <p>Disposition of victim Yes <input type="checkbox"/> NO Details:</p> <p>Dying declaration Yes <input type="checkbox"/> No Details:</p> <p>Disposition of suspect (if present) [3 Yes <input type="checkbox"/></p> <p>Details:</p> <p>Identification of others present [J Yes <input type="checkbox"/> [3 No <input type="checkbox"/></p> <p>Details:</p> <p style="text-align: right;">No <input type="checkbox"/></p>
Evidence from the scene seized	<p>Weapon C) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p> <p>ClothingÜ Yes [3 No <input type="checkbox"/></p> <p>Details:</p>

	<p>Any other evidence that may have forensic evidence Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Details:</p>
Other Statements	<p>Eye-witness [3 Yes <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Details:</p> <p>Any other witness who has knowledge of the suspect or victim YesÜ No <input type="checkbox"/></p> <p>Details:</p>

Photographs (or video) of the scene and injuries	Of the weapon [3 Yes [3 NO Of the scene CI Yes [3 NO Of Injuries to the victim C] Yes NO Of injuries to the suspect C] Yes C] NO
Admissions by suspect	Unsolicited comments pre-arrest Yes [3 No Details: Unsolicited comments by the suspect after caution YesÜ No Details: Admissions by the suspect in video interview Yes NO Details:
Forensic samples taken from the suspect	FingerprintsÜ Yes NO Details: DNAÜ Yes CA No Details:
Forensic evidence	Submitted from the scene [Z Yes [3 Details: No From the victim Yes No Details: From the suspect Yes No Details:
Medical evidence of victim	Has the victim signed a consent form Yes [3 No Details: Medical examination completed CI Yes C] No Details: Post-mortem completed Yes [3 No Details:
CCTV	Yes [3 No
Cell phones seized	[3 Yes 13 No Details of any texts/BBM/call contact:

If a homicide death certificate	Yes C] No
Ability/ willingness of victim/ witnesses to attend court and give evidence	CI Yes C] No
Special measures needed	Yes [3 No Details:
If victim/ witness retracts will a witness summons be needed	Yes C] No Details:
Can bail conditions adequately protect the victim/ witnesses	Yes No Details: Complete Form3 detailing appropriate Bail Conditions

Confidential

FORM 17 - DRUG TRAFFICKING GIECKLIST

Confidential

CN

Have you collected all available evidence

Attending Officers
Statement

Include:

Location of drugs [3 Yes

No

Details:

Location of paraphernalia [3 Yes

Details:

No

Location of money Yes NO Details:

Location of weapons [3 Yes No Details:

Identification of others present [3 Yes

Details:

No

Evidence from the scene
seized

Drugs n Yes

Details:

Weapons [3 Yes

No

Details:

Money Yes No Details:

Any other evidence that may have forensic

[3 No

Details:

evidence [3 Yes

Have the drugs been
analyzed

Yes No Details:

Has a referral been made to
the FIU

C] Yes No

Complete Form 6

Ability/willingness of witnesses to attend court and give evidence	D Yes C] No
Special measures needed	Yes C] No Details:
If witness retracts will a witness summons be needed	[3 Yes No Details:
Can bail conditions adequately protect the witnesses	C] Yes No Details: Complete Form3 detailing appropriate Bail Conditions

<h2 style="text-align: center;">FORM18a— EXHIBIT LIST</h2> <p style="text-align: center;">Restricted</p>	
CN	
Exhibit Reference/ Description	Location

FORM 18b — RETURNED EXHIBIT. LIST

Restricted

CN	
Exhibit Reference	Reason for returning and to who (Confirm if copy or photographs taken where relevant)

Restricted

FORM19— FILE REVIEW; CHECKLIST

Réstiétéd

CN

Name of FK

Date of Review

Date of Next Review

Indictment

Filed O Yes No
Served on Accused [3 Yes

No

Evidence Served

For Summary trial C] Yes No
Date Served:

For Committal Yes C] No
Date Served:

For High Court trial [3 Yes C] No
Date Served:

Any evidence outstanding Yes
Details:

Date anticipated to be served on NPS No

Unused Material

FORM served on accused o Yes No
Date:

Exculpatory material served on accused C] yes No
Details:

Date served:

Any exculpatory
material excluded
in public interest

Application made to Court C] Yes No
Details:

Date:

Application to be made C] Yes [3 No

Application forms completed C] Yes C] No

Any legal argument	Skeleton Arguments Submitted C] Yes C] No Details:
Witnesses	Warned YesÜ NO Date: Witness summons required [3 Yes No
	Details: Video link needed [3 Yes [3 No Application made Yes Ü No
Video equipment needed for trial	Yes No
Interpreter required	Yes No Details:
Any alternative pleas anticipated by the accused	Yes No
Full Code Test satisfied for all charges	C] Yes CI No
Any other matters	C] Yes No Details:

Restricted

Annex A

- Pre-Charge Referral Process to NPS

Law enter,geroent eageq y_JP, consults

SO decides

NOT:

ecfja±

SO-decides

SO decides

NAT: YET. READY

S

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I-WENfiP

Suspegt charged

File is examined. by S@to

Law enforce

SO examines file to ensure
meetsPXQ\$ecgtt•

agency
go te

SO file. to NBS

File-is

Lew enfoxqement agency

NPS CTMsubmits file to
Wfprårreyie,w

NPS CTMsubmits file
to

Law enforcement agency

NPS--infpm SQ of. the

Annex C

Annex B - Prosecution File Standards

NPS ADVICE CASES OR POST CHARGE		UPGRADED FILE
<p>IA. Where the law enforcement agency are seeking NPS Advice about charge they must submit:</p>	<p>1B. Where the law enforcement agency are submitting a file having charged the accused they must submit:</p>	<p>2. Where NG plea and adjourned for summary trial or for preliminary inquiry/committal for trial, the law enforcement agency must submit:</p>
<p>MUST INCLUDE:</p>	<p>MUST INCLUDE:</p>	<p>MUST INCLUDE:</p>
<p>FORMA — Summary with SDN Key witness statement(s) DPP copy of a video interview or statement of accused</p>	<p>FORMC Charge Sheet Evidence including: Witness statements; photographs of exhibits; DPP copy of a video interview, SDN or statement of accused</p>	<p>Everything in column 1B AND the following items: All statements including corroborative, continuity, etc.</p>
<p>Antecedents of suspect and key prosecution witnesses</p>	<p>statement of accused</p>	<p>FORM9B - Law enforcement agency antecedents/disciplinary record</p>
<p>Include any material which would tend either to materially weaken the prosecution case or materially strengthen the case for the accused</p>	<p>FORM12 — Compensation Form FORM13 - Witness non-availability FORM18a and b — re Exhibits Witness statement(s) of the victim or main witness</p>	<p>FORM9C - Schedule of relevant nonsensitive unused material</p>
<p>Disclosure schedules (FORM9B, C D and E) are NOT required at this stage</p>	<p>Antecedents for accused and prosecution witnesses</p>	<p>FORM9D - Schedule of relevant sensitive material</p>
<p>If applicable, include: Domestic Violence checklist FORM 14</p>	<p>Include any material which would tend either to materially weaken the prosecution case or materially strengthen the case for the accused</p>	<p>FORM9E - Disclosure Officers report</p>
<p>Rape checklist FORM15</p>	<p>Disclosure schedules are NOT required at this stage</p>	<p>And applicable items listed in the upgraded File Index FORMII where relevant</p>
<p>If a Violent Crime checklist (other than domestic violence) FORM16</p>	<p>If applicable, include:</p>	
<p>If a Drug Trafficking checklist FORM17</p>	<p>Domestic Violence checklist FORM 14</p>	
<p>FORM18 a and b re Exhibits</p>	<p>Rape checklist FORM15</p>	
<p>Other <u>key</u> evidence: CCTV, Medical, Forensic reports Photographs, Documentary exhibits etc.</p>	<p>If a Violent Crime checklist (other than domestic violence) FORM16</p>	
	<p>If a Drug Trafficking checklist FORM17</p>	
	<p>FORMI - NPS Advice form (if the NPS have given advice prior to charge)</p>	
	<p>Police Bail Sheet (ConditionalNary/Security/Surety)</p>	
	<p>FORM3 - Remand Hearing Form</p>	
	<p>Other Key evidence: see IA</p>	

Annex E

— Disclosure of Unused Material for Upgraded Files

1

Dj"lpsureOfficer .(DP) must record

as is ma-micable after. that;

yeecks

eyeecks

I RK. servesROs
accused and

-If any, sensitive
disgl"osutp tpst-
application-

Annex D — Pre-Hearing Process Map (Bail/Summonsed)

31

cm

•jit

Annex G

— Post-Hearing Process Maps

Accused not guilty-plea. completes
RORM2ⁱ döpfm\$any action further
hearitig

CTM emails
R&that file. is *ion.

I FK wilL

CTM*.

—fie;

CTMMill emaibtheor
•Bito,ihejlaw é e
SO.

cqmps

: senti!o}

Annex I

— Not Guilty Process Map

Ifgplyoe

Annex J

- Remand Process

Lgyeppfwgpmegt.

is c

Where the NPS. CTM.
notes that the accused has

NPS action

The SO delivers (or an officer delivering a
file endorsed by the SQ): file toLheNSCTM

FK will complete the review.
This will be done before 2pm
thatday.and sent to the NPS
c-TSM{

If the SO does not receive
oti-nca!ion before

NPS CTM will log the case
onto CMS.and will
forwardpøpecs

FK will prepare FORM5. and
prepare (with AS) disclosure
bundle of

Annex K

— NPS Referral

A law enforcement agency is required to liaise directly with the NPS on indictable and serious summary matters which include the following:

- a. Murder
 - b. Manslaughter
 - c. Drug Trafficking
 - d. Financial Crimes, Money Laundering, etc
 - e. Fraud
 - f. Corruption Offences
 - g. Sexual Offences
 - h. Inchoate Offences
 - i. Kidnapping
 - j. Armed Robbery
 - k. Anti-terrorism Offences
 - l. Any law enforcement agency officer accused of an offence
 - m. Human Trafficking Offences
 - n. Burglary Offences
-

Annex L

o. Firearm Offences

Annex I – Breach of Bail File

<u>Arrest for Breach of Bail Post-Charge Bail</u>	
Arrest for breach of <u>court</u> bail conditions (after 1 st or subsequent hearings).	Arrest on Failing to Appear warrant.
Take accused to the court for application for remand In custody or bail with or without condition(s).	Comply with warrant instructions e.g. take accused to the court for application for remand In custody or bail with or without condition(s).
File Contents: Access original file plus: New FORM3 Statement/s details circumstances of breach	File Contents: Access to original file plus: New FORM3 Warrant - endorsed Statement/s details circumstances of arrest e.g. number of attempts to arrest, evades capture etc.